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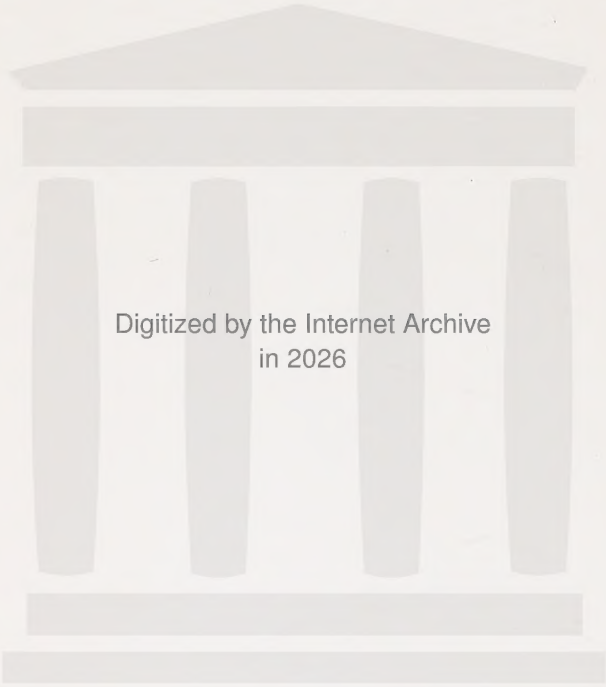
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ENGLAND IN THE MIDDLE AGES

" *This happy breed of men, this little world,*
This precious stone set in the silver sea,
Which serves it in the office of a wall,
Or as a moat defensive to a house,
Against the envy of less happier lands."

Shakespeare: RICHARD II., Act II., S

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THE RETRO-QUIRE, WELLS CATHEDRAL.

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ENGLAND IN THE MIDDLE AGES

ITS PROBLEMS AND LEGACIES

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K. D. D. & C. W.

PREFACE

The number of books dealing with the Middle Ages in
ngland grows steadily year by year, and teachers and students
en find themselves perplexed by the choice that lies before
m. We feel, therefore, that we must explain the reason
at led us to add yet another book to the already wide and
nerous bibliography on the subject of English Mediæval
istory.

Experientia docet. As a result of our experience as teachers
History to senior students we have been compelled to
lise that there exists a wide gap between the text-books of
e schools and the more authoritative and specialist works
d in the Universities. The task of bridging this gap is,
rhaps, the chief difficulty the young student has to face.
e books he has used have lost their savour; the books he
st use (if he wishes to progress in his study) are too erudite
d heavy. He pauses, hesitant and discouraged. His teacher
tens to construct a bridge which will take him across the
rvening space—a bridge of new interests, new enthusiasms,
d promises of future scholarship. This volume is such a
dge. While we are confident that it will serve the needs of
ior students, we are hopeful that it may also be accounted
an aid to the busy teacher. It is not a text-book in the usual
se: the elementary history of the period is assumed. Its
een Essays offer an introduction (but not too easy a one) to
e historical reality of the period.

Our method of bridging the gap is to provoke inquiry con-
rning the important questions which the men of mediæval
gland had to answer; and if the answers are not always
en, it is hoped that the reader will be induced to explore for
mself the solutions offered by master-historians. We have
t attempted to force upon our readers arbitrary solutions of
..monplace mediæval problems; we have indicated *lines of*
proach to advanced studies by introducing our readers to the
f movements and problems of this period.

We have to acknowledge our indebtedness to our publishers and to Mr. R. Welldon Finn for many valuable criticisms and suggestions; to Mr. J. E. Barton, Headmaster of the Bristol Grammar School, for helpful criticism of the section dealing with architecture; to Mrs. K. Doreen Griffith Davies, the Rev. T. Davies, and Mr. J. Shum Cox, Assistant Librarian, Bristol University, for invaluable help during the arduous days of revision; to Miss Evelyn M. Shearer for many helpful services and the compilation of the Index; to Mr. G. Mackay and Mr. H. Wren, who are responsible for the maps and illustrations in line; to the various firms who have kindly allowed us to use photographs of which they hold the copyright; and to Messrs. Longmans for permission to incorporate a quotation from Trevelyan's "England in the Age of Wycliffe."

It is perhaps hardly necessary to add that responsibility for any expression of opinion is individual, although each of us is happy to acknowledge the help of the other.

J. D. G. D.
F. R. W.

Leeds, 1928.

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ENGLAND IN THE MIDDLE AGES

ESSAY I

Introductory: Definition

In history there is, in the strictest sense, no definite beginning or ending of a period. Yet historians have created periods for their own convenience and guidance, and to these periods students of history have grown accustomed.

Generally speaking, the term *Middle Ages* connotes that period of history which is sandwiched between the break-up of the Roman Empire in the West and the dawn of the new learning, styled the Renaissance. These two epoch-making events are regarded as convenient landmarks when the history of Europe has to be studied as a unity.

But when did the break-up of the Roman Empire in the West and the dawn of the new learning take place? Is it possible to fix an exact date? Historians have attempted to answer these questions in a variety of ways, and it is the diversity of their opinions that compels students of history to recognise that exact delimitation in history is often the outcome of caprice rather than conviction. Some would regard the fight at Adrianople in 378, when the Visigoths slew the Emperor Valens and annihilated his army, as the beginning of the Middle Ages; for from that year dates the permanent occupation of the Empire by the barbarian tribes. Others turn to the sacking of Rome by Alaric and his hordes in 410. The mighty capital of the world was at the mercy of foes who ultimately seized the imperial power and wielded it in their own interests. And to others the beginning of the Middle Ages took place in 476, when the boy Emperor Romulus Augustulus was deposed and the imperial insignia transferred to the Emperor Zeno at Constantinople.

In what year did Europe enter upon modernity? Again, the student must contend with a diversity of opinion. On the one hand, there is the taking of Constantinople by the Turks in 1453, an event that led to the dissemination of Greek learning throughout Europe: on the other, the discovery of America by Christopher Columbus in 1492, an event that enlarged man's horizon and turned his gaze westwards.

In studying the history of particular states in Western Europe the task of fixing limits becomes more complicated. The limits fixed by historians for the study of general European history are too wide and inexact. French historians, for example, regard the accession of Clovis in 481 as a suitable starting-point for the Middle Ages in their own country. They might with justice fix the point five years later, when Clovis near Soissons overthrew Syagrius, the last survivor of the old Romano-Gallic rulers. The end of the Middle Ages came either when the English were expelled from their land in the middle of the fifteenth century, or in 1494, when Charles VIII invaded Italy.

Turning to the history of our own country, the task of finding an exact beginning and ending is bristling with difficulties. At the outset a question must be answered. Is it correct historically to regard the Anglo-Saxon period as part of the Middle Ages? Or, is the period from the arrival of the Germanic peoples to, let us say, the battle of Bosworth Field a definite historical unity? If it is argued that the Anglo-Saxon period is part of the Middle Ages, then the historian must look for the starting-point in the fifth or sixth century. Three events suggest themselves. First, there is the departure of the legionaries in the early years of the fifth century; second, the battle of Dyrham in 577; and third, the battle of Chester in 613. It should be remembered that native resistance was not overcome until the Welsh in Cornwall, Wales, and Strathclyde had been isolated from each other. Dyrham and Chester effected this. On the other hand, if (and in the following Essays this view has been adopted) it is argued that the Anglo-Saxon period is not historically a part of the Middle Ages, in so far as that term is confined to English history, then another starting-point must be sought for. The search is not difficult. In 1066 an invading army paralysed Anglo-Saxon resistance,

and placed upon the English throne a foreigner. Senlac is, as it were, the wedge driven in between two cultures, the Teutonic-Scandinavian and the Norman. The nature of those cultures was widely different; and if we accept the argument that culture is the ornament of civilisation, then the Norman forces at Senlac imposed not only a foreign king upon the people of England, but a foreign civilisation also. The civilisation of the Baltic was driven back by the civilisation of the Mediterranean. But in the dreary wastes of the ocean the waters of inland seas are mingled. So it happened in the history of England: in the course of time the older civilisation was merged into the new, and the product was what might be termed the *mediæval civilisation*. It was better than the Teutonic-Scandinavian; it was better than the Norman.

When did the Middle Ages in England come to an end? The usual answer is in 1485, when Henry VII wrested the sceptre from the murderous hands of Richard III on the blood-sodden field of Bosworth. Again, the delimitation is arbitrary, and rejected by a number of historians. Mr. J. R. Green was of the opinion that the termination of the Wars of the Roses marks the end of a period. In 1471 the New Monarchy was established, and with its establishment "we enter on an epoch of constitutional retrogression in which the slow work of the age that went before it is undone." That slow age of retrogression, in Mr. Green's opinion, continued until the middle of the seventeenth century. "When the lawyers of the Long Parliament fell back for their precedents of constitutional liberty to the reign of the House of Lancaster, and silently regarded the whole period which we are about to traverse (*i.e.*, from 1471 to 1640) as a blank, they expressed not merely a legal truth but an historical one. What the Great Rebellion in its final result actually did was to wipe away every trace of the New Monarchy, and to take up again the thread of our political development just where it had been snapt by the Wars of the Roses." While it may be difficult to subscribe to Mr. Green's view, the truth of his remarks must impress the reader. But t is only a half truth, the result of regarding the period from one angle. From another a very different conclusion will be reached. The idea of an *imperium in imperio* was a definitely mediæval idea; and illustrations of this idea can be seen in

the manor, the lordship, the marcher lordship and the county palatine. In the two last-named the King's Writ did not run; justice was a private matter and not a national one. The abolition of private jurisdiction had been steadily worked for, but it was not until the last decade of Henry VIII's reign that the King's Writ ran throughout the entire length and breadth of the land. Henry VIII, by taking away the rights of jurisdiction jealously enjoyed by the marcher lords on the borders of Wales, may be said to have brought the Middle Ages to a close.

The student of the Middle Ages in England, as in Europe, is often baffled by the diverse and conflicting opinions of historians. Some regard it as the Age of Chivalry; others, as the Age of Faith; and a few, as an age closely approximating to the State of Nature of Thomas Hobbes, wherein the life of man was "brutish, nasty, and short." The conflict of these views is natural; the historian is a normal being, with conceptions of idealism and religious conviction. No matter how well-intentioned he happens to be, those conceptions and convictions tinge his treatment of history. The idea of the Age of Faith will make a strong appeal to men and women who regard Holy Church as the source and fountain of all good, material as well as spiritual. On the other hand, those who would include in the Litany a petition for deliverance from the enormities and false doctrines of the Church of Rome cannot bring themselves to regard the Middle Ages in any other light than as an age in which abysmal ignorance, superstition, and priestcraft held undisputed sway. Prejudice is the stumbling block, and few historians can surmount it.

In the following Essays an attempt has been made to arrive at truth, and from them it will be seen that the Middle Ages were not the Age of Chivalry, they were not the Age of Faith, they were not an age of abysmal ignorance and superstitious irreligion. Chivalry is at root, as Mr. G. Bernard Shaw reminds us, an act of self-preservation, and in every age the motives which have led men to act chivalrously can be traced. The more closely the lives of the clergy and laity are examined, the more clearly will it be seen that the Middle Ages were not the Age of Faith. Neither were they the age of abysmal ignorance and superstitious irreligion; though much irreligion and not a

little superstition prevailed. The Englishman of that period was neither the enlightened savage of Jean Jacques Rousseau nor the nasty, short-lived brute of Thomas Hobbes. He was a very ordinary being, actuated by very ordinary motives, and not endowed with a superabundance of faith or idealism.

The farther back we go into history the greater is the danger of ignoring "time values," and too often we lose sight of the amount of progress made. The first duty of the student of history is the cultivation of an accurate "time sense," for without it he can never hope to become historically minded. From the fight at Senlac to the abolition of the private jurisdiction of the marcher lords on the borders of Wales is more than four hundred and fifty years. In other words, it is a period roughly as long as that which separates the reign of Henry VII from the present day. It is, therefore, inconceivable that in those four and a half centuries of the Middle Ages Man should have made no progress. In the following Essays we have attempted to dispel this myth, and to show that the very opposite is the truth. The progress of the mediæval Englishman may have been slower than that of his more modern brother, but the chief point to remember is that the mediæval Englishman did make progress. He moved slowly, yet surely, forward, improving his status and amassing to himself material rewards. If this truth is constantly borne in mind the problems of the period become intelligible.

In conclusion, a few words must be offered in justification of the study of mediæval history. In the present age there is a marked tendency on the part of teachers of history to devote more attention to the more modern periods, and to ignore the Middle Ages. This is a misfortune; for it is only by studying the mediæval period that many of our present-day institutions become intelligible. One example will suffice. Parliamentary government, both in its conception and its form, sprang from a mediæval idea that "what touches all shall be approved by all." Moreover, a knowledge of mediæval history enables the student to understand how the mediæval Englishman lived, how he worked for the advancement of his country, and what he thought in his leisure hours. It is the study of beginnings; it lays bare the foundations of our national story. As a period it is attractive; there is a continual round of contest and

struggle, of stirring deeds and great adventures. It is both an age of romance and reality. So it happens that the study of the period breeds that curious species known as the mediævalist, a sceptic yet a believer, an idealist yet a practical man, a romanticist yet a philosopher.

J. D. G. D.

ESSAY II

The Norman Kings: Their Work and Importance

When the banner of the *Fighting Man* went down with the last of the huscarles on the hill of Senlac it was a signal that the end of Teutonic England was at hand. For five centuries England had followed a Teutonic trend; her institutions were the institutions of the freedom-loving Teuton; her language was the deep-throated language of the German peoples; her traditions and ideals were the traditions and ideals of a northern race. In the past the "pull" had come from the side of the Baltic: henceforth it was to draw England nearer and nearer to Italy and Western Europe.

The battle of Senlac, an event which excited little contemporary stir, decided the issue between the Teutonic and Latin civilisations. William of Normandy had defeated Harold of Wessex, and in consequence of his victory he compelled England to return to the allegiance of the old Roman tradition, of which the Norman people were strangely enough the most powerful heirs. The ancestors of many of the knights and men-at-arms who had fought at Senlac had come from the wild hill country bordering the Scandinavian fjords, and in the days of their barbarism had sacked and pillaged the stateliest minsters of Western Christendom. In a century they had become less uncouth and lawless, though by no means more humane: they had cast aside the mantle of Scandinavian lawlessness and bedecked themselves in the cloak of Latin culture. This change was effected gradually. Rollo and his pirate bands had seized the country lying around Rouen in A.D. 911, and had established a kingdom for themselves. It was the settlement of a military aristocracy lording it over a subject people who were descended from the Gallo-Roman inhabitants of Gaul. The lot of these people cannot have been an easy one; yet they were able to transmit to their new superiors some part of the noble legacy of the Roman Empire; and, like the Frankish followers of Clovis centuries earlier, the Norse followers of Rollo responded quickly

to the process. Within a hundred years of the founding of the Duchy of Normandy, the Normans were sallying forth as the emissaries of a Latin culture: within a hundred and fifty years of that same event they were attacking the last Teutonic stronghold in Europe in the guise of crusaders.

The key to the Normanisation of England lies in the character of the Norman people. They were pre-eminently imitators, and possessed little of the quality of originality. Though unconscious of the fact, they had the merit of imitating only what was worthy of imitation; they not only adopted the customs and institutions of a subject people, but also improved upon them. Genius was rare among them: but they were clear-headed and practical. Like the Arab followers of Mahomet they were endowed with a boundless energy; if they espoused a cause they prosecuted it with diligence until it had triumphed. Not over-scrupulous in their dealings with each other, they professed a respect for law and order and all forms of legality, and were careful to make all their actions assume a complexion of right even if they had to stretch the conception of legality in the process. Cruel in their dealings with their adversaries, they were not insensible to the merits of clemency; and it is a significant fact that under the Norman Kings of England no great Norman baron was condemned to death.[1] The adoption of a law of treason with stringent penalties came later.

Such, then, were the victors of Senlac; and in the course of time they were to change the face of England. But the change (or shall we call it the Normanisation?) was in actual fact less than might have been expected. Though drawn within the vortex of a Latin civilisation, England was never thoroughly Latinised. The Anglo-Saxon of the eleventh and twelfth centuries was conservative; he changed only gradually. Strictly speaking, after 1066 England was a subject nation, and it was therefore possible that she would become part of the Norman Duchy whose Duke had subdued her. England as an appanage of Normandy might have developed along very different lines; that she had to work out her own salvation is due largely to the accidents of chance, and to the fact that the Normans were not a creative people.

[1] Waltheof, whom William put to death for his interest in the Rising of the Earls in 1075, was an Anglo-Saxon noble and not a Norman baron.

William I was Duke of Normandy in fact as well as in name. He spent considerable time in his native Duchy : yet his love of legality compelled him to regard himself as the heir of Edward the Confessor, whose " good laws " he had sworn to observe. His successors, William Rufus and Henry I, were unable to make their rule in Normandy effective. During the reign of the former the sovereign power was vested in his brother, Robert Curthose, and it was only after 1106 that Henry I could legally call himself Duke of Normandy. The repeated attempts of Robert Curthose to win the English throne from his more fortunate brothers also served to minimise the Norman influence. The barons holding lands on both sides of the English Channel found themselves in a dilemma ; they were committed to one side or the other. In consequence, their estates were by feudal custom forfeited to the ruler against whom they had arrayed their strength. The Norman connection, however, was strengthened somewhat after 1106, when Henry I by force of arms took the Duchy from his brother, and that connection lasted until the reign of the hapless John. Nevertheless, Norman influence had waned long before that period. By the end of the Norman period we have an English baronage, speaking Norman-French it is true, but determined to hold their estates in England against all challengers.

Nor did the Normans succeed in ousting the rough speech of their new subjects. The language of polite society was Norman-French, but the language of the poorer country folk remained the same throughout the period—English. It is noteworthy that William I, shortly after his coronation, when granting the citizens of London their first charter, used the ancient speech of the Anglo-Saxons in preference to Latin or Norman-French : " *William kyng gret William bisceop & gosfrogth porterefan & ealle burhwaru binnan Londone frencisce & englisce freondlice.*" Moreover, it is said that he attempted to master the language in order that he might converse with native Englishmen. The tenacity of the English language is illustrated by its almost sudden reappearance in the fourteenth century in the writings of Chaucer and Langland, influenced somewhat by Latin and Norman-French, but still the strong direct speech of a Teutonic people.

In Church government the process of Normanisation met

with a considerable success. The Church in England since the death of Dunstan had fallen on evil days. Learning was at a low ebb, and the morals of the clergy were lax. William I, a loyal son of Holy Church, had received a mandate from the Pope to reform the English Church and to purge it of its offending elements. With this end in view he brought with him Lanfranc, formerly Abbot of Bec, and together they undertook the arduous duties imposed upon them by the Papacy. Norman priests were given English cures. Chuni sent men like Serlo to Gloucester and Vital to Westminster. Heavy-handed monks like Thurstan of Glastonbury and Paul of St. Albans restored order in the monasteries in most un-Christian-like fashion; while men like Walkelin, bishop of Winchester, and Gundulf, the builder bishop of Rochester, insisted on a higher order of life from the parochial clergy. With the exception of two or three native ecclesiastics whom William and Lanfranc permitted to keep their sacred offices, the Church in England was thoroughly re-organised on lines approved by the Papacy. The foreign element grew stronger as time went on, and by the Reformation it ceased to be national in character. Nevertheless, it contributed greatly to the learning and scholarship of the English Church and brought it into close touch with the centres of learning on the continent. Nor can we gaze upon such buildings as Durham Cathedral without feeling a sense of gratitude to a succession of foreign builder bishops.

In order to understand the real meaning of the Norman Conquest of England we must examine closely the condition of the island kingdom on the eve of Senlac, since the reputation of the first three Norman kings must rest upon their work of reconstruction. With all their faults (and even their apologists will admit that they are many) William I and his two sons had clear-sighted gifts for well-ordered governance. To them anarchy was anathema: and they laboured industriously to create order out of chaos. From our examination of the state of England we shall see how it came about that a comparatively small band of Norman adventurers was able, as the result of one battle, in time to bring the whole nation under their rule. The weakness of England was the Normans' greatest strength.

It is no exaggeration to say that England in the reign of Harold was in a deplorably weak condition following the violent

struggles with the Danes. First, the elected monarch was, as we shall see, *a party man;* and as such he could never hope to win the confidence of the nation as a whole. Harold's enemies were numerous and powerful, and they awaited with a certain pleasurable anxiety his inevitable downfall. It was a grave misfortune that a man of Harold's capabilities should have found himself in such an unenviable position, for he was endowed with keen political insight and had won for himself the reputation of a skilled general. Nevertheless, he could not stem the tide that threatened to overwhelm him. His rivals never forgave him for the way in which he had passed over the ancient line of Cerdic and seized the sceptre for himself on the death of his brother-in-law, the Confessor;[1] and, although his enemies never actually showed their hostility openly, there is evidence that Harold knew of its existence. Even before the death of the Confessor he had sought to win the friendship of Edwin and Morcar by persuading the king to grant the latter the earldom of Northumbria, vacant as the result of the treason of Harold's own brother Tostig; soon afterwards he sought and obtained the hand of Aldwyth, the sister of the two earls.

The mention of these earldoms of Northumbria and Mercia should suggest a fundamental weakness of the Anglo-Saxon system. Here the weakness was not of Harold's making. A succession of weak kings, threatened with the danger of foreign invasion, had sought to avert the evil day by entrenching themselves behind the questionable barriers of a nascent feudalism. Themselves unable to protect their subjects against the ravages of the invading bands, they had revived the heptarchic idea and its concomitant evils of disunion and anarchy by the creation of powerful earldoms. The policy was first formulated by Cnut, in other respects a far-sighted, astute ruler. He had created the earldoms of Wessex, Mercia, and Northumbria. A monarch of Cnut's strength would have experienced little difficulty in curtailing the powers of the earls; but under his less gifted successors this possibility of imposing checks upon their privileges became more and more remote. Thus Edward the Confessor, one of the weakest kings the House of Cerdic had

[1] There is no doubt that, on the death of Edward the Confessor, the Witanagemot assembled to nominate his successor was carefully packed with supporters of the Earl of Wessex.

produced, inherited a kingdom that was divided against itself; but instead of preserving the *status quo* he continued the policy of disintegration in the interests of one great family—the Godwins.

The meteoric rise of this family is a fascinating study. Raised to the "peerage" by Cnut, Godwin slowly yet surely laid the foundations of a definite family policy, so that in a short time we find him assuming the rôle of a Carolingian Mayor of the Palace. South of a line drawn from the Wash to the Severn at Shrewsbury Godwin's family reigned supreme. He himself was earl of Wessex and Kent; his son, Harold, was possessed of East Anglia and the southern midland shires; another son, Sweyn, ruled a district that was roughly coterminous with the old tribal kingdom of Hwiccia; his nephew, Beorn, dominated the district round Derby. In addition to this he had persuaded the celibate Edward to marry his daughter.

The shape of these earldoms is indicative of the inherent weakness of the political system. Their boundaries, being practically identical with the boundaries of the old heptarchic kingdoms, invited a revival of old jealousies and proved detrimental to all ideas of national unity. The rival earls of Mercia and Northumbria regarded Godwin's policy with suspicion; they interpreted every move as one likely to lead to the extension of his family's estates. Instead of concentrating upon the affairs of the nation, these men concerned themselves with plotting and scheming to limit the power of their hated rival. Mutual distrust existed, instead of harmonious dealings. Patriotism, as we understand it, was unknown.

How this feeling displayed itself to the disadvantage of the nation is seen in the events of 1051. Godwin had set himself up as the champion of English liberties and had resisted his king, who had embarked upon a policy of Norman favouritism. There is every reason to believe that the earl of Wessex was, on this occasion, acting in good faith; he knew something of Norman behaviour and he intended that his fellow countrymen should be spared the unpleasant experience of tasting it. For this reason he sympathised with the men of Dover when they set upon the turbulent retainers of Eustace of Boulogne; and

he no less strenuously opposed the election of the Norman Robert of Jumièges to the archiepiscopal see of Canterbury. His policy was an "English" policy, and one to which the native earls of Mercia and Northumbria should have subscribed. But they, seeing an opportunity to clip Godwin's wings, supported the Norman policy of Edward; by throwing the weight of their arms on the side of the king they were able to bring about the outlawry of the Godwin faction. It was the same spirit which left Harold single-handed to face the invasion of the Norman duke in 1066. We might pardon the jealousy of the earls during Godwin's time, but we cannot forgive the self-seeking Edwin and Morcar for the part they played after Senlac. While the Norman army was lying fever-stricken around Canterbury in the autumn of 1066 they could have struck a blow in defence of Saxon liberties, and perhaps they might, in those circumstances, have overcome the invaders; instead, they played a waiting game, doubtless hoping that William would buy their support at their own valuation. When realisation came that they were dealing with one who perceived their worthlessness, they hurriedly flew to arms, only to be crushed with ignominy.

The selfish policy of Godwin was largely responsible for the part that the Papacy played in the overthrow of the Anglo-Saxon kingdom, and in aiding William I to do so. True, the papal idealists saw that a successful Norman invasion would afford them an opportunity of reforming the Church in England, but they were more concerned with the schismatic position of the English primate. The schism of Stigand was the outcome of the return of the Godwin party in 1052. The Normans had fled at the news that the earl of Wessex had landed, and among the fugitives was Robert of Jumièges, the archbishop, who was promptly outlawed. Stigand had always been a staunch supporter of the Godwin faction, and as a reward for his "loyalty" to the national cause Godwin nominated him to the "vacant" see of Canterbury. Owing to the fact that the canonical archbishop was still alive, the Papacy would not recognise the claim of Stigand. In 1058, by a liberal use of bribes, he persuaded Benedict X to send him the *pallium*, Robert of Jumièges having died in the meantime. A short time after Stigand had received his *pallium*, Benedict X was

expelled by Nicholas II and declared an anti-pope. Four years after the coronation of William he paid the penalty for his schism, and was deprived of his sacred office.

The so-called perjury of Harold also complicated matters. The stern Hildebrandine idealists would admit no extenuating circumstances. Harold had taken an oath over the holiest relics of the duchy to support the claim of the Norman Duke to the throne of England on the death of Edward the Confessor, and when he broke that oath Rome was satisfied that his perjury was proven. Rome, on this occasion, was prepared to go farther than the threat of excommunication : Alexander II, by his gift to William I of a banner that he himself had blessed, changed an expedition of robbery into a holy crusade. The knights and men-at-arms, sailing from St. Valery-en-Caux, need have no qualms of conscience ; a kindly Pope, speaking *ex cathedra*, had dispensed with those commandments hostile to the success of a pillaging raid. It is, however, unfair to judge an eleventh century Papacy in the light of twentieth century ideals and conceptions of morality. The Normans were zealous sons of Holy Church, which in those days often required the aid of a strong temporal power.

When military power ceases to keep pace with progress in the art of war a community becomes decadent. The English national army which faced the Normans had neglected the use of cavalry, and still adhered to the principle of infantry fighting. We read that the Norman Ralph the Timid, of Hereford, had attempted to induce his English vassals to fight on horseback, but without success. Harold himself had had experience of the new tactics, since he accompanied William on a campaign in Normandy, yet he seems to have remained unshaken in his faith in the English infantry. Thus the English force possessed no " shock " troops to push home an attack or to fall upon the disorganised bands that had been thrust back by the infantry. Roughly speaking, the force commanded by Harold at Senlac was between 10,000 and 12,000, and of these only a sixth to a quarter were professional soldiers. They were known as huscarles, and had first been raised by Cnut as a royal body-guard. Well armed with the heavy Danish axe, and protected by shirts and helmets of chain mail, they formed the backbone of the English army. The remainder of the force was composed

of the local levies from the shires. They were indifferently armed with short-swords, scythes and billhooks, and thick leathern surcoats protected their bodies.

The Normans, on the other hand, were a progressive military race, and they had developed the cavalry arm. The Norman knight was well-horsed and well-armed with sword and lance; his armour was of chain mail. A smaller force of infantry, capable of developing missile action by means of crossbow fire, completed the armament. It was the proper use of shock and missile action at Senlac which led to the Norman victory. The archers, firing over the heads of the cavalry, prepared the ground for the charge. Moreover, discipline played a large part in the victory. The local levies were totally lacking in discipline, and once the Normans feigned flight they pursued them despite the order of their commander for them to stand firm. A sudden wheel about on the part of the Norman knights led to the annihilation of the local militia. The Norman knights, badly mauled as they were by the stolid Saxon infantry, quickly re-formed as each charge was thrown back, and they returned to the fray time and again. Only once was there a momentary wavering, but the gallant action of the juggling minstrel Taillefer steadied the Norman horse and the crisis was surmounted.

The defeat of Harold virtually laid England at William's feet. The nation, which two hundred years earlier had maintained a running fight against the Scandinavian jarls, succumbed to conquest at the hands of a handful of daring adventurers. Englishmen, who had laid great stress on freedom, were content to await the next move in the game instead of falling upon the invaders, already badly shaken at Senlac. William, if he ever imagined that the nation as a nation would submit to his rule as a result of the victory of Senlac, was to be disillusioned. For nearly six years after his coronation he had to face repeated outbursts of rebellion among his new subjects.

The trouble began as soon as the people learnt the ruthless methods of the newcomers. In 1067 England was seething with rebellion, but it cannot be said to have become acute except in the west, where Eadric the Wild, in alliance with Rhiwallon and Bleddyn, Princes of the Welsh, ravaged the lands of the Norman settlers around Hereford and carried fire

and sword into the midland shires. In Kent a national movement was headed by Eustace of Boulogne ; while in the south-west the family of Godwin held Exeter against the Normans. In the following year the vacillating Edwin and Morcar, with the aid of the Welsh, raised the standard of revolt, and at the same time a movement was started in Northumbria to place Edgar the Aetheling on the throne. The first northern rising was abortive ; but in 1069, due to the rough treatment the northerners had received at the hands of Robert de Commines, they rose again and massacred the Norman garrison of Durham. To strengthen the hands of the national party, and at the same time to add to William's difficulties, the Danes appeared in the Humber, and with the men of Yorkshire they besieged and captured York. To complete the list of local risings mention must be made of the revolt of Hereward the Wake in the Isle of Ely.

It is apparent that these risings were local movements. When the men of Devon and Somerset laid siege to the Norman castle of Montacute they did so because they had, *as a locality*, and not *as a nation*, suffered at the hands of the Norman garrison. The local risings were no part of a great national movement aiming to rid the land of an oppressor ; they were sporadic and lacked cohesion. For this reason their danger to the Norman settlement was more apparent than real. William knew how to deal with such rebellions. A less far-sighted ruler would have attempted to deal with the rebellions as a whole. William's plan was to take each district in turn and reduce it by ruthless measures. It was necessary that the people should be cowed in order to insure against a repetition of such rebellions.

Moving rapidly into the south-west of England, William compelled Exeter to surrender, and forced the family of Godwin to take refuge in Ireland. Similarly, on hearing of the fall of York, he hurled himself against the insurgents in that district and with fire and sword devastated the region between the Ouse and the Tyne. His action was ruthless in the extreme, and from the entries—"*hoc est wasta*"—in Domesday Book twenty years later we can estimate the extent of William's devastations. We must not forget that desperate ailments require desperate remedies : the north never rose against William again. The same fate awaited Chester in 1070, and

By permission of Mr. W. A. Call.

South Doorway, Kilpeck Church.

the chronicler of Evesham records that as a result of William's march through the districts around Chester the poor people had flocked even to the gates of his monastery to beg bread.

It should be noted that in these crises William received aid from an unexpected quarter. Men like Archbishop Aldred of York, Bishop Wulfstan of Worcester and the Abbot of Evesham, thorough Englishmen at heart, realised that resistance was futile, and they did all in their power to persuade their fellow-countrymen to accept William's rule peaceably. Wulfstan in particular was a great power in the west, and later he led a force of local levies on behalf of the king against a rebellious Norman baron.

The Normanisation of England depended largely upon the land settlement of William I. The men who had fought at Senlac were not fighting out of loyalty to the Norman Duke. The Norman was a practical individual, and he required something more tangible than the thought that he was doing his duty. The knights, therefore, in William's army fought on the understanding that they would receive, if the venture were successful, rewards at his hands. Some have likened the invasion to the venture of a joint-stock undertaking with William as chairman of the directors. Each knight invested money in the invasion, and when William won the day at Senlac the speculator demanded a repayment of the capital with full interest.

After his coronation William found that he had much land at his disposal for this purpose. The estates of Harold (and they stretched over many shires) and those who had fought for him at Senlac were forfeited, and re-granted to William's companions. Subsequent rebellions led to further forfeitures, and the land was again parcelled out among a successful military aristocracy.

William showed political wisdom in the method he employed in making these grants. Care was taken not to centralise the estates of the more powerful members of the baronage, except in the marcher districts of Wales and Scotland, where border warfare would for a time limit the danger of revolt against the sovereign. A Robert de Mortain might gain no less than 973 manors for his services at Senlac, but William saw to it that they were scattered over the face of twenty shires.

In one particular William's settlement [1] is open to serious criticism. By the Oath of Salisbury in 1086 he attempted to destroy the close connection existing between the tenants-in-chief and the tenants-in-mesne by making each tenant, whether holding his lands in-chief or in-mesne, swear an oath of allegiance to the Crown. The effect of this was not so far-reaching as we might suppose; it was dictated by the possibility of a Scandinavian invasion and was not part of a definite policy. Yet it did serve to weaken the bond existing between tenant-in-chief and tenant-in-mesne, and it indicated the end of William's policy. On the other hand (and here it is that we must make our criticism), William actually strengthened the hands of his tenants-in-chief by the introduction of feudal tenures and their incidents. Not that he introduced that system which we have come to call the Feudal System, for it already existed in embryo in England before his day, though it must be added that the English system was more personal (and therefore less territorial) than the Norman. William introduced the system to which he had been accustomed in his native duchy, and that system recognised that the tenant-in-chief had definite rights of jurisdiction. By feudal custom all who held from the tenants-in-chief were, in certain circumstances, bound to appear in the private courts of the lord. Thus, when William made his lavish grants of land to his followers he granted, if they were tenants-in-chief, certain rights of jurisdiction such as *sac* and *soc*, *tol* and *theam*, *infangthief* and *outfangthief*.[2] Pleas of the crown were generally reserved to the king. It is important to notice that these feudal rights, many of which were lacking in definition, minimised the importance of the native Hundred Courts, and it is from the period of the Norman kings that we must date their decay. In course of time the manor, formerly an economic unit, tended to become a political liberty, and

[1] The settlement of William I is closely connected with the Feudal System, which is dealt with in Essay VI.

[2] *Sac*—those rights of jurisdiction enjoyed by a lord of the manor; *soc*—the liberty of the manorial court and the suit of the tenants; *tol*—the right of toll; *theam*—the right of the lord of the manor to compel a receiver of stolen goods to divulge the source from which he obtained them; also the right to pursue villeins who had escaped from the manor; *infangthief*—the lord of the manor's right of jurisdiction over a thief within the manor; *outfangthief*—the lord of the manor's right to pursue a felon outside the manor, and bring him before the court for trial.

custom decreed that members of the manor should appear in the manorial courts when called upon to do so. Henry I tried to break down this evil principle of private jurisdiction, but without great success.

The transportation of a turbulent baronage to new lands was an experiment fraught with dangers. The Norman baron had been nurtured in an atmosphere of anarchy; he saw his own Duke, a tenant-in-chief of the French king, in arms against his liege lord, and he quickly learnt that in the feudal state supreme power can be won by anyone who is able to reduce the feudal superior to a state of political impotence. William I knew the inclination of his vassals, for as Duke of Normandy he had had occasion to deal with the more powerful of them; and as king of England he anticipated that a trial of strength could not be long delayed. The aim of the first three Norman kings was definite: the power of the baronage must be curtailed. In the main they were successful in carrying out this policy. Three factors contributed to their success, and each merits the strictest attention.

In the first place the Norman kings of England were wealthy. William I, by exacting heavy fines not only from those who had acquiesced in the rule of the usurper Harold but even from those to whom he granted new estates, had founded the financial fortunes of his line. His greed was proverbial, and well might Henry of Huntingdon write: "he wrung thousands of gold and silver from his most powerful vassals." William Rufus inherited his father's love of wealth, and in Ranulf Flambard he possessed a minister who would bleed his subjects white. Under Henry I the royal system of justice was used to fill the national Exchequer; while each king benefited from the customary feudal dues of wardship, marriage, escheat and the "three aids." Wealth will always purchase support; and we know that each of the Norman kings used it for that purpose.

Secondly, after 1072, the native militia was constantly employed by the king to put down baronial rebellions. The swift action of Wulfstan of Worcester in calling out the local levies against Roger fitzOsbern in 1075 prevented that earl from joining forces with his brother-in-law, Ralph Guader, Earl of Norfolk; while it was a similar native force that reduced the latter's stronghold at Norwich. In 1088 William Rufus

had to face a dangerous combination of barons headed by his uncle, Odo of Bayeux. Little help was to be expected from the side of the Normans in England, and it was almost in desperation that Rufus turned to the native Englishmen for support. The *fyrd* or local militia were wholeheartedly with him, and in the shouts of " Halters for the Bishop ! " which went up as Odo was led through their ranks outside Rochester we can discern the reason for their loyalty. The monarchy might be ruthless in its dealings with the poorer people ; but that treatment was mild compared to their treatment at the hands of the barons. It was a case of the king chastising them with whips, and the barons with scorpions. Thus it is not surprising to find native levies campaigning with Henry I in Normandy ; and in 1106 the English contributed considerably to the victory of Henry at Tenchebrai, so often described as the English vengeance for Senlac. William of Malmesbury perceived in the coincidence of the dates the workings of a Divine Providence when he writes : " *ut eo die subderetur Angliæ Normannia quo ad eam subjugandam olim venerat Normannorum copia.*" [1]

The third point to be noticed is the centralisation of the royal power. William I made full use of the old Anglo-Saxon administrative machinery. The Anglo-Saxon *Witanagemot* in some ways became the Norman *Magnum Concilium*, at which the tenants in-chief attended during the great Christian feasts of Christmas, Easter and Whitsuntide. A permanent committee of the *Magnum Concilium* carried out the administrative business of the kingdom, judicial as well as financial. In each shire a nominated representative of the king, the sheriff or *vicecomes*, held the executive power. The sheriffs might be " more violent than the most desperate culprits," but their violence was not infrequently directed against the baronage and was therefore in the interests of the poorer people. The sheriff commanded the levies of the shire when they were summoned for service, and he watched the king's interests in the local county court. Sometimes he took active steps to curb the barons' jurisdiction, and one of the excuses for the rebellion of the two earls in 1075 was the interference of the sheriffs in their private courts. The central government had contributed, even as early as the reign of

[1] William I had landed on September 28, 1066 ; the battle of Tenchebrai was fought on the same day 1106.

William I, to the material prosperity of the land. The Anglo-Saxon Chronicle, in its notice of William's death, informs us that " among other things is not to be forgotten the good peace that he made in the land, so that a man who had any confidence in himself might go over his realm, with his bosom full of gold, unhurt. Nor durst any man slay another man, had he done ever so great an evil to the other."

The task of perfecting this centralised system of government was left to William Rufus and Henry I. The former monarch has not enjoyed a good reputation with later historians; his vices and gross immoralities have cloaked his great strength of character. With all his faults Rufus was a strong king, and one who would brook no interference from the side of the baronage. The fact that a man like Ranulf Flambard could, with considerable success, carry out a policy of extortion, is in itself a proof that the central government was strong enough to deter men from rebellion. Poor man and baron suffered alike at his hands, but they were powerless against the King.

It remained for Henry I to define this centralised system of government, which is in reality what we might justly call " the Norman System." Henry was unpopular with the barons owing to the fact that he had married an English wife. But Henry was a strong man, and he was able to impress his strength upon every act of his reign. He prohibited private war, and private castle building without licence; and he insisted that every mesne tenant should regard him as his liege lord. Wisely he drew his administrators from the ranks of the inferior baronage and clergy, for owing to their weakness territorially they were compelled to look to the king for support. The *Roll of Pipe* for the year 1130 illustrates how the power of the sheriffs was extended by the device of sending into the shires itinerant justices to try local cases in the Shire Courts. By an ordinance of 1109 Henry ordered that the Hundred Courts should meet as in times past, and that suits between free tenants and different lords should be heard in the Shire Courts. It has already been noticed that the attempt to restore the power of the Hundred Courts was not successful, but the existence of the ordinance clearly shows that Henry was strong enough to attack the feudal rights of the barons. The *Leges Henrici*, largely a codification of existing law, were to become the basis of the English

legal system, and Henry II drew largely from this source. To the poorer people Henry became the *Lion of Justice*, and it is not difficult to discover the reason. One of his laws reads: "if a lord slay his villein blameless let him pay the *wer* to the kindred; for the man was a serf to serve and not to be slain." Henry's greatest claim to fame is that he impressed upon Norman and English alike the conception of the sanctity of Law.

The fundamental weakness of the Norman System was that it depended upon the personality of the sovereign. Under the guidance of strong kings like William I and his two sons it worked well; but when the weak Stephen came to the throne it failed ignominiously. Many have laid the blame for the anarchy of Stephen's reign on the weakness of his title to the throne. Such a view does not seem justified. Stephen had a better claim than either Rufus or Henry I, since there was no precedent for the accession of a woman. The real weakness of Stephen was his total inability to formulate a definite policy. He was weak and vacillating; he hoped to win support by bribery and corruption; he never took the trouble to placate friends when he had gained them. The result was that his subjects despised him; they defied him at every turn; and ultimately made themselves more powerful than their master. Men like Robert of Gloucester and Geoffrey de Mandeville were possessed of infinitely more power than Stephen. They accepted bribes from both parties and defied each in turn. Their earldoms became small principalities in which the King's Writ did not run. Had Stephen followed the example of his predecessors he might have overcome all his difficulties; but he alienated his people not only by his inability to curb the licentiousness of the barons, but also by the introduction of foreign mercenaries whom he could (or would) not control. The Normans had rescued England from the evils of Teutonic anarchy; under the first three Norman kings the land was given peace and consequently the people prospered; but under Stephen the disrupted forces of feudalism got out of control. Can we wonder, then, that men looked back with gratitude on the "stark" rule of William I and his sons?

The writer of the Anglo-Saxon Chronicle gives a very vivid picture of the condition of the land and the suffering of the people during the "anarchy" of Stephen's reign.

"When the traitors perceived that he was a mild man, and soft, and good, and did no justice, then did they all wonder. They had done homage to him, and sworn oathes, but had held no faith; they were all foresworn and forfeited their troth; for every powerful man made his castles, and held them against him; and they filled the land full of castles. They cruelly oppressed the wretched men of the land with castle works. When the castles were made they filled them with devils and evil men. Then they took those men that they imagined had any property, both by night and by day, peasant men and women, and put them in prison for their gold and their silver, and tortured them with unutterable torture; for never were martyrs so tortured as they were. They hanged them up by their feet, and smoked them with foul smoke; they hanged them up by the thumbs, or by the head, and hung fires on their feet; they put knotted strings about their heads so that it went to the brain. They put them in dungeons in which there were adders and snakes and killed them so. . . . Many thousands they killed with hunger; I neither can nor may tell all the wounds or all the tortures which they inflicted on the wretched men in this land; and that lasted the nineteen winters while Stephen was king; and ever it was worse and worse. . . . When the wretched men had no more to give, they robbed and burnt all the towns, so that thou mightest go all a day's journey and thou shouldst never find a man sitting in a town or the land tilled. Then was corn dear and flesh, and cheese, and butter, for there was none in the land. . . . Never yet had more wretchedness been in the land, nor did heathen men do worse than they did; for everywhere at times they forbore neither church nor churchyard, but took all the property that was therein, and then burned the church and altogether. . . . The bishops and clergy constantly cursed them; but nothing came of it; for they were all accursed, and foresworn, and lost. However a man tilled, the earth bare no corn; for the land was all fordone by such deeds; and they said openly that Christ and his saints slept." [1]

It was from this that William and his two sons had, by their stern measures, saved the land.

[1] Quoted from Coulton: *Social Life in Britain*, pp. 23–25.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

COULTON, G. G.: *Social Life in Britain from the Conquest to the Reformation.*[1] (C.U.P.)

DAVIS, H. W. C.: *England under the Normans and Angevins.* (Methuen.)

DICTIONARY OF NATIONAL BIOGRAPHY: Articles dealing with *William I, William II, Henry I* and *Stephen.*

FREEMAN, E. A.: *History of the Norman Conquest.* (Clarendon Press.)

GREEN, J. R.: *A Short History of the English People.* (Dent.)

MORGAN, R. B. (Ed.): *Readings in English Social History.*[1] (C.U.P.)

[1] *These books are invaluable source-books, and should be consulted for the period of the Middle Ages as a whole.*

ESSAY III

THE PLANTAGENETS: THEIR WORK AND IMPORTANCE

THE House of Plantagenet, rulers of England and its dependent territories during the middle period of the Middle Ages, played a powerful part in the drama of English life, and was largely responsible for the extraordinary political prestige and economic prosperity won by England under its sovereignty. In the length and nature of their service, in the qualities of kingship and personal character, the Plantagenets established a memorial of critical worth in the annals of monarchy. It has been argued that this royal House stands supreme among English dynasties: and it may be that among the dynasties of the civilised world the Plantagenet kings are not the least important.

1. THEIR TASK

The work of the Plantagenet line was the sovereign task of making a nation. None had a keener appreciation of this responsibility than Henry II, the founder of the dynasty. With remarkable discernment (remembering that he himself was a foreigner) he saw at once the strongest factor in the situation he was called on to master—the fact that, the Norman Conquest being completed, already the Norman and English interests were becoming identified into a single interest which could in an elementary sense be called "national."

The process of nation-making, begun at Tenchebrai (1106) and vigorously aided by Henry I's policies, was *not* destroyed during Stephen's bad kingship; it was checked; in being checked it became self-conscious and apprehensive. This was in all ways an excellent result, in that this new-born "nationalism" saw dimly the need of protective monarchy and was ready to take shelter under the iron sovereignty of the new king, Henry II, despite his Angevin birth and his terrible reputation as a son of the devil.

Henceforward, this consciousness of national interest grows rapidly. It becomes an urgent and creative force. It seeks

ever new outlets for its energies and constantly finds new forms for the accommodation of its institutional necessities. It always finds its saviour and firm ally in the good and the great king. It is always quick to defend itself against the inept monarch and to range itself on the side of his enemies.

In this period "nationalism" is difficult to analyse and elusive to the pursuer. It is felt more than seen until it has found its necessary and visible forms of material organisation. It can perhaps be best summarised—for it is a complex of many forces—as a growing sense of unity within the State. And the meaning of this can well be grasped by contrasting the chaos of Stephen's rule, when England strove in vain to protect itself from internal foes—the *beginning* of the Plantagenet period: and the *end* of the period—at the close of the fourteenth century, when after two hundred and fifty years of immense formative and constructive effort under the Plantagenet rulers, England was so "national" that the Lancastrian Experiment in Constitutional Government was a logical event, and the wars of Henry V gratifying to national pride.

How far were the Plantagenets themselves conscious of this national impulse? How far did they identify themselves with its needs? How did they work to lead it in its constructive movement? How far was their work deliberate or accidental? Such questions are too difficult to admit of a full solution here: but the student should face them frankly. Generally, it can be stated that doubtless the best of the Plantagenets, Henry II and the great Edwards, did appreciate keenly this movement towards nationalism, and did their best to lead it into sound forms of organised expression. The kings who "failed" were also alive to the movement, and, in failing to check it for their own autocratic ends, "failed." Like the Tudors later, the Plantagenets understood their people, and in alliance with them found their own best success as sovereigns.

2. Their Relations with People, Church, and Baronage

This kingly perception is well indicated in the royal view of "antagonistic forces" within the State and the royal policies adopted to counteract them. Opposed to the monarchy were the strong arrays of (i) the partially organised people, (ii) the organised Church, (iii) the organised Baronage.

Generally, the king's policy was to ally with his people, and, if possible, with the Church. This policy gave the Crown strength to deal, if necessary, with a recalcitrant Baronage. But the alliance with his people was fundamental. When this was broken, as in the reigns of John or Henry III, the throne was imperilled. The alliance with the Church was also of considerable worth to the Plantagenet kings. It has been justly observed that with the Church on his side the king triumphed : with the Church against him the king failed. But it should be noted that the alliance of the Church, so necessary at first, became less and less necessary as the nation itself became more and more organised into a form able to support its king—a truth emerging clearly in the later period of this royal House.

(i) The Plantagenets, therefore, fostered national life and the creation of the appropriate forms of administrative and governmental organisations. This work is amply evidenced by the constitutional progress of England under their rule. Essay No. VII has been devoted to this subject. Here it will suffice to point out that England was allowed a fuller means of practising elementary forms of self-government when the administrative and judicial reforms of Henry II were properly functioning. His introduction of the Jury System and his modification of judicial procedure are important in this connection. In Richard I's reign his father's system of government " took root " and grew strong : especially was the nation trained by its experience of the new Jury System, after this had become part of the fiscal machinery of the realm. John's failure was England's success. The events leading to 1215 were dynamic in developing the national consciousness to a keener sense of self-responsibility. Constitutionally, this national awakening was the important thing. The constitutional expansion during the next reign, Henry III's, is anticipated, if not explained. Simon de Montfort was no portent : he was a successor to Henry the Angevin, Hubert Walter and de Burgh : he embodied a vital tradition advanced to a higher stage of activity. And Edward I's wonderful achievements in parliament-making, administrative reorganisation, judical reforms and legal definition, were processes of completion. Following his reign the constitution was settled in its main forms : within these forms the highly stimulated

life of nationalism was to agitate to secure forms of ever greater freedom and more efficient control, until the Lancastrian "Experiment" fulfilled the ideal slowly seen but steadfastly pursued by a "people" aware of its constitutional "rights." In no part of their work is the controlling and defining hand of the Plantagenets so visibly revealed as in their age-long process of constitution-building on the basis of elementary self-government. Supporting or reactionary, the influence of these kings was supreme in the fulfilment of this national purpose.

(ii) The Plantagenet policy in regard to the Church is also clearly recorded in action and decree. Loyal in service to the Christian religion, they for the most part held Rome in political antagonism and adopted a policy characterised by insular aims which centuries later became actual in the Reformation. Apart from John's expediency and Henry III's open advocacy of Rome's cause, the Plantagenet House was faithful to the Conqueror's policy as underlined by Henry the Angevin—the holding of Rome-the-political-Sovereign at arm's length, and, if unable to do this, to engage Rome as a foe. This has been made the theme of the Essays in this volume, *The Church and the State*, and needs no further discussion here. But in estimating the work of this royal House a careful consideration must be given to its ecclesiastical policy. Strongly-framed and sound in principles, it needed astute and resolute kingship to apply it. The need of the alliance of the Church in State-administration and in the moral disciplining of the nation had always to be balanced against the risk of antagonising the Church on political issues. It will be admitted perhaps that the Plantagenets were successful. Rome was held off, and the Church in England was slowly reduced to a position of subordinate authority within the system of state government. This success paved the way for the Lancastrian supremacy, which refused to admit the rivalry in government of the Church, but which was ready to accept on its own terms the alliance of the Church. The Constitutions of Clarendon, the contest between John and Innocent III, the outcry against Rome in Henry III's reign, the voice of England heard in the outlawing of the Clergy in 1296, and later in the Council of Lincoln, the First Statute of Provisors (1351), the repudiation of John's tribute to the Papacy (1366), the Great Statute of Præmunire (1393), the open support

of members of the Plantagenet House given to Wiclif and his "subversive" movement, the coercion financially of the Church by Henry V—all these facts are the chief links in the chain of purposive policy by which the Plantagenet kings and their successors curbed the Church of its pretensions to govern England. The unity of England was regarded as of higher worth than the unity of Christendom. Even at its zenith the political power of Rome over England was never sure. The national sentiment of England was too strong in its love of independence, especially when stimulated and directed by eminent kings.

(iii) The work of the Plantagenets in restraining the feudal Baronage is fruitful of romantic episodes and interesting political speculation. The records prove that this royal policy was actively and consistently followed. Its successful adoption was an absolute condition of *national* kingship. Their appreciation of this truth marks the Plantagenets out from the typical mediæval monarchies: their resolution in transforming it into political fact gives them precedence over all their rivals, even over the French kings who had as clear an appreciation of the truth.

Two duties were essential: (a) to rescue feudality from itself, to change its localised sectarianism and self-centred jealousies into a national force for good in the State government; (b) to rescue feudal kingship from feudal custom and change it from a status of *primus inter pares* into a paramount dignity possessing true sovereignty, inalienable and hereditary.

How far did the Plantagenets succeed in these two most difficult duties? The measure of their success was almost incredible: it was nearly complete.

(a) Except for isolated and short-lived periods of feudal outrage, spasmodic and unorganised, the Plantagenet régime is remarkably quiescent for a *feudal* age. The terror of Stephanic anarchy was never again experienced in England so long as these kings held sway. The attempts of the "lawless barons" to disturb the government, such as those of Henry II's first years, or in Henry III's minority, or in Edward II's last or his son's first years, were incidental and accidental, and were comparatively soon quenched in the destructive vengeance of the king's government. There were, however, potent and well-

organised attempts by the baronage to interfere with the government during this period—*e.g.* the rebellion against John, against his son, against Edward II and Richard II. These great baronial movements in arms *must not be confused* with the purely feudal outbursts referred to above. The distinction is important. These powerful military arrays, led by the greatest nobles against their king, were skilfully organised: they were disciplined, not "lawless": their aims were clearly stated to be lawful aims and of national import: their feudal character was accidental, for their real character was national: they did not set out to ravage and hurt the commonweal or to overturn the centralised State government in favour of a purely feudalised government: they were actuated by the belief that the commonweal could be best served—possibly saved—by their "rebellious" act of arms.

If this distinction between the two types of baronial risings during this period be conceded, it offers a good test of the Plantagenets' success in their method of dealing with their barons. Owing to the quiet and resolute pursuit of their aims, they transformed the old type of feudal nobility into a new type—men conscious of their responsibility in preserving the *State as a whole*, men organised for good in the government of the realm as a political unity, men who, if occasion arose, were ready to take the field to safeguard the constitution, *as it had developed to that time*, from royal reaction, or to stimulate weak kings in doing their duty. The great baronage of England had become constitutional-minded, and the trust of England was their pride. Opposed to this true nobility was a fragmentary force of feudal barons who "refused to grow up." This body may well be called the Baronage Rampant. It believed that the ways of its forefathers were the best, and was always ready to seize occasions to break the new national constitution in favour of a purely feudal government in which individualism could again attain its full power. But, as has been noted, the opportunities afforded for these "out-of-date" men were few. A possible danger always to nationalism, they were an actual danger to themselves.

This distinction between the two types of baronage must be firmly grasped. It has been overlooked far too often by those who endeavour to interpret this period. And, if it is missed,

the Plantagenets suffer, for their strong and subtle work in transforming the old feudal baronage into defenders of a national State is one of their triumphs. To see in this age a line of kings, always worried and frequently in open conflict with the major part of their nobility, is to misinterpret history. Mediæval England is incredible on any such theory. The truth is that the baronage grew as their kings grew, and as the people grew in *national stature* at every successive phase of its development. The royal policy of subinfeudation, steady and powerful since its initiation by William the Conqueror and its revival by Henry II, was largely responsible for the political and civic education of the nobility of England until national ideals were able to be appreciated. The great kings were always greater than their greatest barons. And their influence on those who served them was fruitful in dissolving enmity and fostering concord.

(b) Side by side with this tremendous process of training feudality to a higher conception of itself as a political and national value went the process of training *kingship* itself to be worthy of its supremacy. The Plantagenet ideal was national kingship. None could have had a higher conception of his office than Henry II, or Edward I, or Edward III, or even Richard II. They symbolised and personified their prerogatives. They established the tradition of inalienable and hereditary monarchy—a remarkable achievement.

The terrible vision of the Wars of the Roses cannot be excluded from the mind's eye as it seeks to see this period whole. In that long nightmare feudality of the old type re-emerged and made England its battle-ground. How was such a revival of base character possible if what has been stated above was true ? The answer to this pertinent question must be left for consideration in the Essay on the *Roses Vendetta*. Here, however, a suggestive query may well be made. Had the Plantagenet line continued to rule England until the close of the Middle Ages, would such a catastrophe have been possible ?

3. Their Foreign Policy

In the conduct of England's relations with foreign lands the work of the Plantagenets was characterised by two ideals : (i) to increase the territorial sphere of England's sovereignty,

and so to increase its political power and prestige; (ii) to widen the scope for English trading and bring an amplitude of fortune to English markets."

The Angevin Empire is readily explained by (i); the other attempts to conquer France are best explained by (ii).

Gigantic efforts were made by England during this period to do the will of its warrior kings. Immense successes were won, grave disasters suffered. In totality the territorial aggrandisement was an empty policy: but the commercial policy was richly fruitful in its harvest. Further, the vital factors of political and national prestige must be remembered. England became a great Continental power, capable of commanding and exacting the fullest respect of European courts and peoples. This was no mean gain even if the cost was incalculable in men and treasure and effort. To achieve national distinction by warfare is perhaps hardly in accord with modern morality: in the feudal and semi-feudal age, however, the contrary conception held the minds of men. And the Plantagenets, true heirs of their period, found personal glory in the practice of war and kingly satisfaction in leading their "nation in arms" to triumph over foreign foes. In their view England *profited* by war. In their plans they freely adopted militant policies, the pursuit of which was to make England richer and more powerful by *war*. That the military dominance of England in the political sphere of western Europe was an essential condition of English supremacy in the trade-marts of Flanders and France was one of the "fixed ideas" of the Plantagenets.

This militant foreign policy was largely successful. But perhaps its violent and prolonged reaction on England produced the greater good. It subjected the higher ideal of national unity to the last and the best test—the test of national pride in victory and national fortitude in defeat. The character of the English people was refined in the fires of excessive warfare; much of its dross was purged. War is the sternest of taskmasters. And England, trained so long by such a master, at length became strongly conscious of its own values as a united people.

4. Other Activities

(a) *British Unity.*—Great and far-reaching as are these main projections of the work of the Plantagenets, they should not

overshadow other activities which give this royal line a just fame. The purpose of bringing Great Britain into one hegemony proved abortive; yet the statesmanship underlying the schemes was wise, as history has proved. The inclusion of the Welsh Principality seems a small success; in the eyes of the age it was an outstanding achievement. The attempts to conquer Scotland were heroic but futile, chiefly owing to the snapping of the weak link in the Plantagenet chain—Edward II: but the Scottish Wars were prodigious efforts productive of much good. The Scots and the English were no longer divorced utterly: hostility was better than isolation and ignorance. Moreover, the defences were weaker; despite the "border warfare," the two peoples came to know one another better until late in time respect took the place of scorn.

(b) *Naval.*—Another work of considerable importance was the naval constructions approved of and encouraged openly by the Edwards and their successors. This resulted from the right appreciation of the fact of Great Britain's insularity. The tradition of Alfred the Great's navy had lingered through the ages: now it was accepted and understood. A navy again was England's need. The foundation of England's modern naval strength was skilfully and truly laid. Shipbuilding and attempts to improve harbours and anchorages opened up a new national occupation: the navigation of rivers and coastal routes increased: the struggle for the control of the narrow waters of Dover Straits and the wider reaches of the English Channel, so long a continuous "local affray" between English fishermen and their Breton rivals, became the urgent concern not only of the merchant-burghers of the growing seaports, especially of Bristol and of London and the Cinque Ports, but also of the government of kings whose eyes were always watching restless France and wealthy Flanders.

(c) *Building and Art Patronage.*—It has been stated already that the Plantagenets were architects of a kingdom rather than of monuments: they were not famous builders. The remarkable development of architecture during the Middle Ages is as well attested in English contemporary monuments as in European. Cathedrals, castles, abbeys, collegiate buildings, moated manor houses, burgher houses, churches, defensive works and naval constructions—all yield magnificent witness to the skill, the

tenacity, the sacrifice of money, time and personality, in short, the lavish efforts of the age to build with enduring glory. Patronage was essential. Generally, the rich clergy, the higher nobility and the wealthy burghers were the chief patrons of ecclesiastical, civic and domestic architectural ambitions; but democratic aspiration was conscious and permissible, the offerings of the poor being encouraged and fully respected.

The Plantagenet House, rich and numerous and "full of power," was necessarily and naturally the first source of such artistic patronage. Although some of its kings did not graciously respond, others gave and helped generously, such as Henry III, Edward I, Richard II. Westminster Abbey, Winchester Cathedral, Harleeh and Conway Castles, and many another mediæval treasure among English memorials witness to this royal patronage, as surely as the splendid churches of the old boroughs, such as St. Mary, Redclif, Bristol, prove the munificence of burgher-princes, or the stout rural churches of the counties record the practical Christianity of local feudal houses. So rich a treasury of mediæval architecture as is possessed by England is hardly to be accounted for except on the supposition that the kings were ever ready to promote the good work of building. And the supposition must be made inasmuch as the actual record of the Plantagenets as builders is sparse and unsatisfactory.

(d) *Moral.*—Last, the uplift in manners and character needs to be noted. This remarkable work has been more fully discussed in a later Essay,[1] but, in summarising the achievements of the Plantagenet House, it must not be omitted. The creation of the Code of Chivalry, and the stimulation of men's spirits to accept and live it, was primarily the praiseworthy task of the Church; royal support was unfailingly necessary, however, if success was to be won. The Plantagenets were quick to see the value of this development of moral character—as quick as any among the monarchs of Europe—and gave their aid fully and generously to the Church in the prolonged and laudatory effort to raise the "tone" and refine the mentality of mediæval society. Manners were rough, life was hard, character was generally disposed to cruelty when Henry the Angevin ascended the English throne: in the days of

[1] See Essay VI.

Richard II, the last of the Angevin House, manners were refined, life was easy, character was generally disposed to liberality. Indeed, the latter age was too refined for the conditions of the time: society was in danger of becoming "soft"; hence the stern reaction of the Lancastrian usurpation and the terrors of the fifteenth century. The rich but grotesque fashions seen at Richard II's court suggest degeneracy—a back-handed tribute to the remarkable advance in domestic economy, social manners, and refinement of character, which had taken place under the leadership of the Plantagenets and the influence of the Code of Honour known as Chivalry. In a word, the English people were to a large extent civilised during this period.

5. The Plantagenets' Achievement

The achievement of the Plantagenets was Mediæval England. The power of the king was then absolute for good or for ill. Constitutional checks upon him scarcely existed for half the period, and during the second half they were never strong enough to control his executive function. He was the source of law and order, the fountain of justice, the leader of the nobility and the father of his people. His power and his influence cannot be easily appreciated by a modern mind. He was the supreme model to those who had occasion to know and meet him; to all others he was a magnificent or a maleficent legend offering a model to be copied slavishly. In thus conceiving this kingship, the modern is best able to understand the tremendous judgment: *the Plantagenets made Mediæval England:*

> "This royal throne of Kings, this sceptre'd isle,
> This earth of majesty, this seat of Mars,
> This other Eden, and demi-paradise." [1]

For in all things which in their beginnings and ends during this period develop the life of England, the king is first in his importance: if his power is being exerted for good, the kingdom is supporting him: if his power is for evil, the kingdom is either not supporting him or definitely ranging itself against him. In

[1] *Rich. II*, Act II, Sc. i. John of Gaunt's magnificent outburst of indignation and patriotism is the finest expression of the true Plantagenet love of England known to literature.

all cases he is the pivot around which the life of the kingdom revolves: his is the influence which drives the never-ceasing movement of national progress in achievement: his the personality strong enough to rally all men for unity.

Conscious of their kingship, jealous of its supreme privileges, powerful to protect it, the Plantagenets, except the few weaklings, were unable to escape the tremendous responsibilities of kingship; and these in this *progressive* age necessarily compelled the king to put himself at the head of the "national movement." So in all phases of national life—domestic policies, constitutional agitations, checks and advances, attacks on the Church or on the Baronage, foreign policies either against ecclesiastical or political foes, commercial expansion, patronage of the arts, the amelioration of social manners and customs—in all the king, firm in his alliance with his "People-in-the-making," *leads*. And his people expected him to lead. The usurpation of Bolingbroke, and the other tragedies of the Plantagenets' history, can best be explained in terms of *national desire to progress* rather than in terms of personal ambition or feudal jealousies. England accepted Bolingbroke because he promised to *lead* England more successfully towards the ideal of national unity. He kept his word: his continuity with the Plantagenets was therein proved.

Hence, the achievement of the Plantagenet Kings can be summarised in one word: *Nationalism*. In their clear consciousness of this prime principle of political success, and in their consistent, skilful and self-sacrificing effort to make it the basis of their statecraft, lies their just claim to greatness.

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

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ESSAY IV

CHURCH AND STATE: FIRST PHASE (1070–1313)

1. THE "ROMANISATION" OF THE CHURCH IN ANGLO-SAXON AND NORMAN ENGLAND

THE history of the Middle Ages is the history of the Christian Catholic Church. Accurate appreciations of the organisation, policies and "life" of the Church reveal the heart, the mind, the personality of Mediævalism. Such opinions have had sterling value among historians of the modern world. These judgments, finally defined by nineteenth century scholarship, have been almost universally accepted, and the study of the Middle Ages is now menaced by the burden of acceptance. Students start with the fixed idea that the Church *dominated* the Middle Ages: oppressed rather than stimulated with the weight of high authority for this conclusion, they, unconsciously perhaps in their first attempt to gain historical truth, read the conclusion *back* into the history of the period, and run the grave risk of accepting a conclusion before they have proved it. The method of Maitland in his famous *Domesday-Book and Beyond*, unique and brilliant in his hands and for his purposes, is borrowed all too freely for general studies of Mediævalism, with the result that this conclusion of the Church's control of the period becomes always more certainly demonstrated. At this point, it is not suggested that this conclusion is unsound: it is suggested that the right method of approaching the period is to be free of "final judgments" until the period has been worked through from the *beginning* to the end in its natural order and sequence. The river of life flows forward and broadens in its flow, it does not run backward; and the views of the lower reaches of any river are no sure indications of the nature of its higher course. Again, even if these judgments are in the main true in their application to European history, they may not be so strictly true in the history of England. In this sketch of the Church in England, its organisation, its policies and its "life," there may emerge satisfactory proof, or

indications of proof, that the Church *dominated* England, or, on the other hand, there may emerge good reasons for modifying this view.

In the historic Synod of Whitby (664) the Roman form of Christian organisation and doctrine triumphed over the Irish form : henceforward, the Church in England was to all intents and purposes an integral part of the Roman Church and of Christendom, the territorial expression of the Papal sphere of jurisdiction. This ecclesiastical unity had important results : it helped largely to make political unity a reality in England, and England was brought into vital contact with the civilisation of Europe. Theodore of Tarsus, if legend can be trusted, did his work of re-organising the Church in England so well that the Church in England was soon a model organisation of the Roman form. The hierarchic principle was rigorously applied : all bishops were compelled to obey the Archbishop of Canterbury : the bishops, increased from seven to fifteen, were individually responsible for the good order of their sees, and the conciliar type of institution as an instrument of government was firmly established in the Synod of Hertford, " the first Council properly so called of the English Church." Through the agency of the Archbishop and the Synod, papal precept could be executed in England. Such was the case. Canons were decreed for the better internal administration of the Church. The Penitential System was instituted. Church ceremony was brought into conformity with Roman practice, and Gregorian music introduced. Education was also considered to be part of the Church's work, as was evidenced by the establishing of the famous school at Canterbury. Monastic life was encouraged. And soon the intellectual activity which always characterised ecclesiastical life was seen in such important civilising values as Architecture, Art, Literature, and even in the tighter definition of language proper. The economic side of life was not neglected, as ecclesiastical influence is clearly observable, especially from monastic centres, in the basic science of agriculture and the necessary handicrafts of social needs. The important point of this seventh and eighth century re-organisation of the Church in England is that it became a fixed and an ordered part of the Roman Catholic Church, its rule and its order.

The intervening centuries until the Norman Conquest saw Christian Anglo-Saxondom fight for its life against heathen invading forces of considerable power. The struggle was on the whole successful, and the main lines of Anglo-Saxon administration and Church organisation remained for the Normans to use in their attempt to revive the governmental unity of the kingdom. So tremendous a crisis as the Danish efforts to conquer England had natural results in the widespread destruction of ecclesiastical organisation, the weakening of the tie with Rome, the enfeeblement of religious rule in life, and the dependence of the spiritual forms upon the secular. Following the Danelaw, " the West-Saxon kings remained the only champions of Christian faith and English nationality." Bishoprics were destroyed for good : others lapsed for long periods. The temporary extinction of York had important consequences in that it helped to settle the prolonged controversy concerning the precedence of York and Canterbury. The interlude of St. Dunstan, ecclesiastic and statesman, was too short to be fruitful except in reviving ideas of sound government, and, in his acceptance of the principle that Church affairs were subordinate to secular (political), he was promoting theories and actions, which, in running counter to the Cluniac ideals, were to influence English Church life towards insular aims and antagonism to Rome. His views did not pass unchallenged even in this age of turmoil ; Ethelwold, Bishop of Winchester and a true son of Rome, led the van of the small movement in England favourable to Cluni. . . . So onward through the mists of blood to the rule of Canute, the efforts of the Church under his protection to salvage the wreck of its institutional life, the reign of the Confessor in which the Norman influence, political and ecclesiastical was predominant, the fruitless intrigues of Godwin and the futile heroism of Harold, until the Conqueror gripped the land in his iron hands and crushed it into a new unity.

The political strength of the Church is more visible than the spiritual during this protracted time. Aethelnoth, Archbishop of Canterbury, was a " huscarle " of Canute ; Stigand, the nominee of the House of Godwin, was appointed to the archiepiscopal throne by the antipope, Benedict X—uncanonically in the eyes of the Pope, Alexander II. This

appointment allowed Ealdred of York to re-assert his claim to equality of dignity with Canterbury, and the dull question of the precedence of York or Canterbury was again revived in lively fashion by churchmen who thought in terms of power rather than prayer. The invasion of Norman churchmen, agents of the Papacy, during the Confessor's reign, stimulated this political activity; for men like Robert of Jumièges, archbishop of Canterbury, William, bishop of London, Ulf, bishop of Dorchester, were secular in all but their Order. Of Ulf it was written he "did naught bishoplike . . . it shameth us to tell more." The truth was that the Church was beginning to fight a political battle of the first magnitude, a struggle which was to end in the supremacy of the Church; and, although this was planned to ensure a revival of spiritual life within the Church as its final cause, spiritual life was dimmed and distressed by the execution, thorough and relentless, of Hildebrand's political and militant policies. Hence, it followed that the Church in England drifted away from Rome, its law, its ceremonial, its administration, its conception of ordered religion. Anglo-Saxon developments of Church life, largely influenced by the memory of St. Dunstan, grew apace and tended to insularity and even local forms of independence. The Benedictines stoutly maintained the Roman forms, and the Cluniac party was firm to lead an errant Church towards Hildebrandine Rome, yet the backsliding movement was strong and felt by Rome to be a serious danger. Hence, the papal support of the Norman invasion, the Norman intrigues which preceded that "Crusade," and the insistence by Rome that the Conqueror should honour his bargain.

This bargain is the true starting point for a study of the Church in England during the Middle Ages. The Cluniac Reform programme and its successful achievement is the base of the pyramid of power and glory symbolised in the political and spiritual supremacy of Rome during the Middle Ages. It aimed at full political sovereignty, the dependence of all secular jurisdiction, even kingship, and the creation of an independent ecclesiastical state, the Church, within and superior to every political state of Christendom. Alexander II expected the Conqueror to do homage to him as his overlord of England; Gregory VII (Hildebrand) tried to exact this feudal

act of a subordinate. But William did not honour his full contract. He refused homage to Rome. He went further and asserted a sovereign independence in matters of the highest State importance, *e.g.* without his consent no papal Bulls should be received in England, and no Pope acknowledged ; no Canons of Church Councils should be binding ; and none of his barons should be excommunicated without his approval ! But this truculent attitude was his share of a compromise : under its shelter he made large concessions to the Papacy and in so doing influenced the whole future development of the Church in England. He permitted and promoted the substitution for Anglo-Saxon church dignitaries of true sons of Rome. Lanfranc displaced Stigand. Wulfstan of Worcester was alone in his privilege of retaining his see.

With Lanfranc the re-organisation of the Church began. Its aim was permanent Romanisation. Success was won throughout its wide fields of endeavour. And the Conqueror brought his part to a logical conclusion in (i) supporting Lanfranc in his reforms, *e.g.* the installing of foreign monks into the highest offices of the Church, the founding of abbeys, the transference of the episcopal sees from villages to towns—Dorchester to Lincoln, Sherborne to Old Sarum, Selsey to Chichester, Lichfield to Chester—the enforcement of clerical discipline both in monastic and in parochial administration ; and above all, in (ii) his famous *Ordinance* of 1086, in which he decreed the separate and independent jurisdiction of the Courts Spiritual from the Temporal Courts of Law : "*Judicium vero in nullo loco portetur nisi in episcopali sede aut in illo loco quem ad hoc episcopus constituterit.*"

Prior to this reform there were certain courts of Church discipline, such as the bishop's feudal franchise, the mediæval form of the Inquisition, and legal procedures for dealing with the spiritual offences of the clergy. But the unity of State and Church was complete in that the bishops sat with the lay lords as judges of the Shire Courts, and similar co-ordination of legal work was to be found in the higher and lower kinds of courts. The Church as such had no separate sphere of jurisdiction. The importance of William's *Ordinance* lies in the absolute separation of the Church and the State effected by its rigid application. It had far-reaching consequences in that it

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ARCHES IN CHOIR, HEREFORD CATHEDRAL.

allowed the Church complete jurisdiction in all cases concerning the Church or the Clergy: such cases (and all suits of a matrimonial or a testamentary nature were considered within the purview of the Church) were henceforth to be tried in the Courts Spiritual, according to the Law of the Church, the *Canon Law*.

Canon Law was now becoming a formidable system of legal precepts and judgments. The age of codification had begun. 1095 sees the *Decretum* of Buchard of Worms, and that of Ivo of Chartres. 1140 was to be historic as the date of Gratian's *Decretals*. Such creation and codification of law by the Church for the purpose of ruling the Church efficiently was now to be pushed vigorously forward by the great line of canonist-lawyers, statesmen-popes sitting on St. Peter's throne during the next two centuries. The study of Canon Law was to become the fashionable study: all who aspired to hold high office in Church or State must be versed and skilled in it: foreign universities such as Bologna rose to fame as founts of such learning: and throughout the thousands of Courts Spiritual in Europe the law officers of the Church, the Canonists, held an increasing sway. It is clear that when the Church succeeded in establishing a separate system of Courts of Law in any State, enforced its own law by its own law officers, and embraced in its sphere of jurisdiction all that appertained to the clergy and all the religious connotation of life's intercourse, including such matters as Marriage and Testament, it had succeeded in establishing a State within the State, so strongly defended that only an extraordinary attack by the temporal authority could break it. In England, for example, this system of Courts Spiritual lasted until the Reformation: and the Reformation was an extraordinarily powerful attack by Tudor lay sovereignty.

From the publication of William's *Ordinance*, the unity of Church and State depended on the alliance of the monarchy with the Church, theoretically equal partners in the State; but actually the dominance tended to lie with the Church for a protracted period. The Conqueror's truculent checks on the Pope's authority in England were evaded and surrendered by future kings: the compromise he aimed at was broken for a time by a victorious Church. Hence, the Normanisation of

England brought the Church in England in close contact with Rome, and, having been re-organised by papal adherents, was ordered and controlled by the Vicar of God for his " universal " purposes.

2. The Investiture Contest: English Phase

The Investiture Contest was the first grave test of the Hildebrandine theory in the fires of political action. This theory aimed at the independence and the supremacy of the Church: all secular authority was to be subordinate to Rome. The fact that bishops and abbots were feudal magnates responsible for large *feuda* necessarily made them in their land-holding capacity *inferior* to the king, their overlord, to whom they had to take the oath of fealty and the usual feudal dues. While the holding of feudal privileges of this high nature was sound *economy* in the eyes of the Church, the necessity of being *inferior* to the lay power was regarded as a legal injustice and a political mistake. The ingenuity of the Hildebrandine reformers was severely tested to get out of the dilemma creditably: at length it was decided that the appointment and the investiture of the ecclesiatical magnate should be a papal right alone. Kings and Emperor thus found their feudal authority gravely impugned: hence the historic struggle between Church and State known as the Investiture Contest.

In England the contest was sharp, well ordered and brief in duration. It was a model affair. The Red King was a provocative overlord, seizing at will Church lands and money, and, in particular, sequestrating the vacant see of Canterbury for four years. The Church, increasing in authority owing to the need of the government to employ its skilled clerks and bishops as administrators, and to the fact that the spiritual Peers were also magnates in the feudal scheme of life, assumed a threatening attitude to the " lawless " king. The pious Anselm, appointed to the archbishopric in 1093, was immediate in his stern opposition to the monarch, refusing to admit the king's Right of *Regale*, *i.e.*, the transforming of the see of Canterbury into a lay fief. Other and weightier matters were also disputed between Rufus and Anselm—the recognition of Urban II as against the antipope Clement, and Anselm's " right " to go to Rome to

receive his pallium. Clearly, the Investiture Contest is here passing through its preliminary phases. Rufus relaxed and allowed Anselm to go to Rome for his pallium: the Archbishop returned fortified in his adherence in Hildebrandine political science and refused to do homage to Rufus for his fief! In 1097 he also refused to supply his military quota for the Welsh War, and was promptly exiled.[1] After the tragic death of Rufus, Henry I, astute and broadminded in matters political, saw the necessity of a compromise with his exiled archbishop. He recalled Anselm, faithful still to his Hildebrandine principles. Urban II had forbidden lay investiture of an ecclesiastic, and had forbidden on pain of anathema such ecclesiastic to take the oath of fealty to a lay overlord. Anselm's refusal to take the oath and his denial of the royal right of investiture gave Henry I much thought for four years (1103–1107). The Investiture crisis in England had arrived. In 1107, however, the struggle ended in the historic compromise. Bishops and Abbots were to be elected in the King's Courts and to be invested by the Church with the spiritual symbols of their office—the ring and the crozier: as great landholders and feudal magnates they were to take the oath of homage to the king, their overlord.

This settlement anticipated the settlement at the Diet of Worms (1121) of the larger struggle in Europe. England, frowned on at the time by the Papacy, was in retrospect to win much credit for this act of statesmanship. The compromise safeguarded both Church and State, and, for a while, eased the tragic nature of their rivalry for supremacy. Political and moral ends were both well served by the settlement. Neither Pope nor king lost prestige in the eyes of their people. Justice had been won.

3. Henry II's Attitude to the Church

Royal need of high ecclesiastics to control the central machine of government doubtless went far to modify royal hostility to the Church. Royal need of the Church was an absolute and a practical need. The Church alone provided an efficient

[1] Anselm was justly (legally) exiled, on account of his failure to keep the Feudal Contract, since he was a feudal baron.

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organisation for social and moral discipline ; the Church was alone the educator in the arts and incipient sciences ; the Church alone could provide the skilled jurists and administrators of trustworthy character and fair loyalty in service. Conscious of such royal needs, the Church did not hesitate to seize the opportunities so provided for the advancement of its own officers to *temporal* power : hence, the enormous strength of the Church *temporally* within the State—its ability to make and unmake kings ! Almost all the great officers of the realm during the Norman and early Plantagenet rule were ecclesiastics—archbishops and bishops or clerks who would be advanced to such dignities. Lanfranc was followed by the unscrupulous Ranulf Flambard, bishop of Durham, who " drave the king's gemots all over England " and systematised the payments of feudal dues : his successors include the litigious William of Corbeil ; the great administrator and reformer Roger le Poore, who assisted Henry I to reorganise his Curia Regis the better to facilitate the centralising policy of the Norman government, and who was so powerful a " politician " in Stephen's reign ; others were the Giffards, and St. Thomas à Becket.

The compromise of the Investiture Contest therefore tended in actual fact to increase the power of the Church. And the strength of the Church is well evidenced in the reign of Stephen who, without doubt, was as much the victim of Rome's antipathy as of his own egregious nature. His arrest of bishops, Roger of Sarum and Alexander of Lincoln (1139), was an invitation to defeat. The power which had directed the triumph of Stephen's accession and the victory of the battle of the Standard (1138) could not be so affronted. The Peace of Wallingford was negotiated by the Church, and until Henry II came to the throne, Theobald, archbishop of Canterbury and Henry, bishop of Winchester, were responsible for the government of England. The royal rights within the Investiture settlement could be well assented to by a Church holding such temporal authority.

Henry II, aware of his debt to the Church and of the power of the Church, judiciously interfused a lay element in his ministers : chief of these laymen were Richard de Lucy and Robert of Leicester. Possibly the royal patronage so graciously extended during the first year of this reign to the educational activities

of the Church—the energetic study of Canon Law, the development of Oxford as an academic centre, the pursuit of Scholasticism, the well ordering of court life— was a discreet attempt to veil Henry's determination to check ecclesiastical temporal authority ; all the same, it can now be seen as a factor of little importance in preventing the great storm of religious indignation and Church politics which years later nearly drove him from his throne.

His quarrel with Becket is vivid in personal interest and dramatic in spectacular effects rather than important for new policy defined within its passions. Henry, the reformer, was impatient with clerical indiscipline : his successful reordering of the State secular was sufficient incentive to compel him to undertake the more dangerous task of aiding the Church to put its administration in a more moral and more efficient condition. " There is no reason to suppose that Henry was actuated by any motive of hostility to the clergy." Stubbs' view sums up the matter. His further expression of view that Henry had no desire to increase royal authority at the expense of the Church cannot be so readily accepted.[1] Henry, doubtless, had a shrewd appreciation of the theories and work of Hildebrand and St. Bernard : their danger to himself being obvious, they would be counterchecked if possible.

The *Constitutions of Clarendon* (1166) were drawn up scrupulously in accord with the state of Church Law in practice in England, and that they were the "*avitæ constitutiones*" could not be denied.[2] Becket, on behalf of the Church in England, could not legally refuse his consent to them. His withdrawal on the plea of duress was insincere : his withdrawal was dictated by the Hildebrandine opposition (i) to royal control being exercised in any degree against criminous clerks, and (ii) to the rules ordained by William the Conqueror to define the relationship of the king of England to the Pope of Rome. Clarendon was a royal victory over the Church. Apart from the clauses concerning criminous clerks, those which revived the royal sanction to papal or ecclesiastical anathemas, excommunications and interdicts, and to the absence on leave of

[1] Stubbs : *Select Charters*, p. 125.

[2] Henry insisted on the punishment of " criminous clerks." The need of his reform is shown by the fact that between 1154 and 1163 at least one hundred proved cases of murder were committed by clerics.

churchmen from the kingdom, reveal the royal policy unashamedly: moreover, the "custom of the kingdom" that the king should receive the revenues of vacant sees was formally stated; that this deep grievance of the Church should be legally confirmed was not the least of the king's triumph in counterchecking Roman policy. In view of the question: how far was the Church supreme in England during the Middle Ages, the evidence of Clarendon is of much value. Its sixteen constitutions, drawn up by a special committee, were "a record and acknowledgement by the archbishops and bishops, in the presence of the earls, barons, and other dignitaries of the kingdom both clerical and lay, of the customs which regulated the relations of the Church and State in the time of Henry I." Despite the Church's strength, the law and custom of the State were opposed to the Hildebrandine aims, and in this crisis the State triumphed.

Was the triumph fruitful or hollow? Henry's bitter quarrel with St. Thomas, the murder, his reconciliation to the Pope, his absolution at Avranches, the compromise signed by himself and the Church, the royal penance (1174)—all these stages in the drama follow quickly, and at each the royal position is weakened until in 1176 the Church succeeds in establishing "Benefit of Clergy" in contradistinction to the "custom of the kingdom," *i.e.*, Henry had to agree "that no clerk should be tried by a lay court on a criminal charge or charge of trespass, except trespass of forest, and questions of lay fees for which lay service was due; . . . 'benefit of clergy' was amplified and extended in nearly every subsequent reign up to the Reformation. The resulting evils were enormous; for not only was the procedure of the ecclesiastical courts of the clumsiest kind, but the immunity from the ordinary criminal law was claimed by a host of persons in 'minor orders' living the ordinary layman's life." [1]

Two practical limitations of this notorious abuse must, however, be noted. First, the Church was generally inclined to save its reputation by disclaiming a cleric-criminal; secondly, kings punished and executed ecclesiastics guilty of political offences. Henry was doubtless aware of the full implications of his concessions; and in the embitterment of his last years, when

[1] Medley: *A Student's Manual of English Constitutional History*, p. 572.

he had to fight against filial, alien and ecclesiastical coalitions for his throne and life, he doubtless trusted that among his royal successors would be men strong enough to establish the position he had defined but had failed to maintain. In the inability or the refusal of his successors until the great Edward to do this, lies a potent source of weakness in the law and order of mediæval England. Henry II further weakened the position of the English monarchy by his acceptance of Ireland at the hands of the Pope: such acknowledgement of papal overlordship was submission to Hildebrandine policy, and was a precedent for the surrender of England by John in 1213 and the claim of Boniface VIII over Scotland (1301). How far Henry was sincere in this fateful act of policy it is impossible to say; the important fact is that the Church was apparently strong enough to compel royal submission.

4. The Church's Triumph over John

The reign of the absentee Richard I offered a golden chance to the Church to consolidate its position and extend its influence in all matters of State order and administration. The struggle between those powerful clerics Longchamp and Coutances, and the work of Hubert Walter or Geoffrey Fitz-Peter, belong to political and constitutional interests. Screened by these important actions, the Church moves steadily forward in establishing its independence within the realm and in gaining political influence of the highest degree. No better proof of this can be deduced than John's decision to submit his Kingship to the overlordship of Innocent III,[1] or the part played by the Church in England in the national movement resulting in Magna Carta. The protracted contest between John and the Papacy (1205–13) ended in the complete surrender of John; he acknowledged the Pope as overlord of his realm; he promised to pay an annual tribute of one thousand marks to the Roman See; he had to receive Stephen Langton, the Pope's nominee to the vacant archiepiscopal see of Canterbury; and he had to compensate all

[1] John's submission is often regarded as a tragic defeat at the hands of Innocent III. This is reading back into the event a modern view. The right view would seem to be that John was free to surrender his kingdom as a feudal fief if he wished to do so. There was nothing to prevent him. Such a practice was common to the age. That his act stimulated English insularity and nationalism cannot, however, be negated.

the exiled clergy for their losses. In the shorter but equally decisive struggle with his people, John suffered complete defeat. The Church in England not only led the people but won its full claims against royal "rights" and "illegalities." The first clause in Magna Carta defines this victory:

"First of all we have granted to God, and for us and for our heirs for ever, have confirmed by this our present charter, that the English Church shall be free and shall have its rights intact and its liberties uninfringed. And thus we will that it be observed . . ."

And in the previous year, John, wishing to secure the Church as an ally, had granted a concession in the matter of episcopal elections which had modified the twelfth Constitution of Clarendon: that the Church should be free to elect not in the king's chapel as hitherto but in the chapter house of the cathedral itself, provided the king's nominee was elected.

The importance of these victories of ecclesiastical policy is best seen in the strenuous papal support given to John in his futile effort to break the fetters locked fast upon him in 1215. But it is equally important to observe that Innocent III's denunciation of the Charter as "unlawful, unallowable and blameworthy," his excommunication of the barons, and his orders to his subordinates in England to act accordingly, were regarded with cold eyes by Langton and the Church in England. Indeed, Innocent's policy here was injudicious and apparently unworthy of so great a man, in that it ran a grave risk of stimulating afresh the latent insular tendencies in the Church in England. Hildebrandine policy triumphed at this time not so much by reason of the Pope's astuteness as by reason of the sagacity of English Church leaders, who saw in the retention of Magna Carta the best protection of the Church in England against a king who would choose to put England first and the Church of Christ second.

5. "Romanists" *v.* "Nationalists"

How sound this policy of English political churchmanship proved to be is easily demonstrable from the long reign of John's feeble son, Henry III. This period (1216–72) is coincident with the period of papal supremacy, political and

spiritual, throughout Christendom. The throne of St. Peter was filled by a line of eminent pontiffs, each of whom was resolute in achieving the Hildebrandine aims, and each of whom materially contributed to the final phase of Rome's glorious power in the latter half of the century. The Hohenstaufens, enemies-in-chief of papal claims against lay sovereignty, were crushed and exterminated; ecclesiastic-politicians were supreme in nearly all the courts of Europe; the organisation of the Church was keyed up and internal administration and spiritual discipline strengthened by an energetic attempt in all countries to apply the canons of the famous Lateran Councils and their successors; the papal fiscal machine was finely contrived to exact the greatest possible tributes from the faithful and the unfaithful; while the Hildebrandine conception of a separate system of Law and Law Courts for the Church was realised to so full a measure that even Hildebrand himself might possibly have been surprised had he again visited canonist-ruled Christendom. The Church of Christ was at its zenith. Never before had it enjoyed such power; never again in the records of man has it held so complete a sway. The final judgment has yet to be passed on the use of this unique opportunity. Such a wealth of good flowed from it, such a legacy of woe was left, that no historical mind has yet appeared sufficiently cool and erudite to assess justly the human worth of this period of ecclesiastical dominance. For in every phase of life, wide or narrow, the influence of the Church was present. Who will appreciate finally for the benefit of posterity the value of the Friars' Movements, the architectural science, the art, philosophy and educational activity of this age? Who will arbitrate in the controversy concerning the Church's gifts to Europe in political craft, legal growth and definition, institutional life, agricultural and hygienic practice, economic justice and moral control? Who will rightly adjudicate the worth, for the *present* as well as for their own age, of the extirpation of the Albigenses or the Sicilian Vespers?

Matthew Paris describes Henry III as so strictly subordinate to the Pope that "he might be called no king but rather a feudatory." He was, indeed, a feudatory. And with the arrival of Pandulf (1219) the Papacy clearly indicated its

intention of ruling England as a fief. This fact, coupled with the fact that Langton obtained from the Pope a promise that during his (Langton's) lifetime no foreign legate should reside in England, and the subsequent resignation of Pandulf, offers the key to this remarkable reign. On the one side *the Papacy tried to rule England*: it gained a large measure of success: its agents were a feeble king, a sycophantic court, a strongly organised Church, the ubiquitous papal tax collectors, and not least, the Mendicant Orders. On the other, *England ranges itself in opposition*: a large measure of success is won: England is served by patriot churchmen, *e.g.* Langton and Grosseteste, by a patriot nobility, by a constitutional sense of values resulting in the parliament-movement, by a sense of national loss financially, by a sense of national dignity which becomes impatient of foreign control. This double view must be judiciously taken of every act and event in this reign. The Regency saw a temporary check to urgent papal influence. The death of Stephen Langton (1228) was a grave loss to the "National Party"; but the great Hubert de Burgh, "the first minister since the Conquest who made patriotism a matter of policy," continued a steadfast effort to stem the tide of invading political Romanism. Papal tax gatherers were appearing more frequently; reprisals against them, as in the case of Tweng, were winked at by De Burgh; the Pope's demand in 1229 for a tenth on all movables from both clergy and laity was granted by the clergy only; foreigners and Romanists were zealously excluded from the councils of government. The return of Peter des Roches from the Crusade in 1232 marks the active beginning of the young king's personal rule and the strong revival of papal aggression. Conniving at the revolution effected by des Roches, he dismisses De Burgh, gives his favour to des Roches, and on this man's advice fills many offices of State with foreigners. The intrigues of des Roches to reduce Henry III to puppetry within the control of the Papacy demanded the further weakening of the "National Party," and this was apparently accomplished by the infamous murder of Richard Marshall in Ireland. Archbishop Rich, saint, scholar, and patriot, took up the fight, however; he insisted that Henry should dismiss des Roches for complicity in the murder. Henry yielded (1234). Thus have the two streams

of policy, English and Roman, become mingled and the waters are already heady. From this year onwards until the Dictum of Kenilworth (1266) the flow is turgid and dangerous in its conflicting currents, the Roman stream ever slightly the stronger in its fierce courses. The marriage of Henry to Eleanor of Provence is the open sesame for foreign (especially Poitevin) adventurers, upon whom the king showers his good graces, offices, noble and ecclesiastical, estates and money. Enthroned at Canterbury in 1241, Boniface of Savoy, the Queen's uncle, a young inefficient, acts as the political agent of the Papacy rather than as archbishop of Canterbury. He flings wide the gates of the Church in England to Roman financial and *temporal* controllers. England becomes the "milch cow" of the Papacy. So long as Boniface holds the Court for Rome, Rome will see that strong ecclesiastic-canonists, such as Cardinals Otho and Ottobon, are sent to order the *religious* disciplining of the Church in England. The "National Party" may feel strong enough to demand the purgation of foreigners, and actually be strong enough to secure the expulsion of Martin, the notorious papal alms-beggar and extortioner (1244); the Council of Lyons (1245) might be shocked at the solemn protest registered before it of the English nobles and commonalty against papal financial tyranny; and the valiant Grosseteste might remonstrate even with the Pope himself at Rome on the same grave abuse (1250); but the main stream of influence is still Roman, as is seen in the flood threatened in 1255, when the king, the henchman of Rome, accepts the crown of Sicily for Edmund, his son, and allows the Pope to wage war on the Emperor (Hohenstaufen) in his name and at his expense, he (Henry) pledging England to the Pope for one hundred and forty thousand marks!

The "National Party's" effort to restrain the foolish king, the aims and work of "Saint" Simon, "the flower of knightly chivalrie," were appraised justly by the Roman party, who spared no pains to defeat them, and on the whole succeeded. The retention of the king and of the highest political influence through his "pious" fidelity was their masterstroke. Papal absolution freed Henry from his oath to keep the Provisions of Oxford (1261); papal influence was strong in the *Mise of Amiens;* papal orders kept the Church in England fearfully away from

de Montfort's act of overt rebellion ; papal agency was strong in the various negotiations leading to the general reconciliation of Kenilworth (1266). What better than a Crusade to the East to expiate so grave a national crime ? There the way of repentance lay. Prince Edward politically accepted the hint, and with him a noble array undertook the hard penitential life, knowing well that England was being left in the " safe " hands of the Church to be cured of the strange disease which had threatened to kill. The result of this long and vivid struggle between Romanism and English policy in the world of high politics and finance was the triumph of the former. How far was its triumph enduring ? Can the heart of a people be weighed in the balances with a political victory, even one of the first magnitude ?

6. The " Nationalist " Victory

The heart of a people can be balanced in the scales with a just kingship. This was the stimulating experience of Edward I. The English Justinian brought to the throne the meditations of an absent prince conscious of past failings and future needs. Loyal to the Church, he was critical of Rome. Alive to the interaction of Church and State interests in the past, he was keenly concerned to order this reaction for the State's benefit in the future. The challenge of Rome to his lay sovereignty was never lost sight of ; when at last he took up the gage in battle, he won. His victory was not his alone ; it was his people's victory. The Council of Lincoln (1301) was the voice of England.[1]

In any review of the Edwardian legislation a section is always devoted to what is known as " Anti-clerical." The famous body of law known as the *Statute of Mortmain* (1279), by which the granting of lands to any corporation, lay or ecclesiastical, was *forbidden*, and the equally famous writ, *Circumspecte Agatis* (1286), by which Archbishop Peckham's proposal (inspired by Rome) to take all suits concerning patronage and the personal property of clerics out of the jurisdiction of the royal courts was *forbidden*, are too academic to be considered here in their legal connotation. Politically, however, they were giant strokes to check the abuse of Roman

[1] See p. 56.

authority in England, and resulted in the re-assertion of some of the highest prerogatives of English lay sovereignty. Archbishop Peckham, a zealous papalist, had gone far to provoke this counter-attack by his policy in the Councils of Reading and Lambeth, but, as Stubbs points out, the abuses Edward herein dealt with were not only notorious and widespread, but as old as the Church in England.[1] Peckham, therefore, succeeded in driving the king to finish Henry II's work of definition in these matters ecclesiastical, a task eminently satisfying to the English Justinian, who had set himself the high aim of completing the fabric of his great predecessor's constitutional and administrative edifices.

Edward's opposition to Rome is even more definitely proved in the crises of 1295–7. These important years in England's history deserve much study. In them a long formative "age" sees its epitaph written indelibly. The extraordinary political difficulties of the king presented his opponents with extraordinary opportunities. The parallel with 1214–15 is insistent; 1295–97 provide a fitting close to the "Eighty Years' Struggle for the Charters." The royal need of money and military service aroused the hostility of both barons and clergy. Boniface VIII, the most arrogant of the Hildebrandine line, swept majestically to the support of his threatened legion. In his famous bull "*Clericis laicos*" he forbade absolutely the clergy to pay to laymen any tax whatsoever on the revenues of their churches. Negotiations proving vain, Edward *outlawed* the clergy and confiscated the estates of Canterbury. So drastic a reply gravely disturbed the Church, and many clergy hastened to make their peace, offering a voluntary grant of one-fifth. Archbishop Winchelsey summoned his hosts to Convocation, and resistance to royal tyranny was debated. Abortive negotiations with the king went on from time to time until the Salisbury Parliament met three months later (Feb. 24th, 1297). From this the ecclesiastic "barons" were excluded—they were outlawed. Here, however, the lay barons refused the king's demands for money and service, and the assembly broke up in confusion! Edward, with magnificent disdain, proceeded with his preparation for war with France; he taxed

[1] Stubbs: *Select Charters*, p. 458.

arbitrarily, seized provisions and levied the wool. So with barons aloof, clergy in sullen disgrace, and merchants aggrieved, he raised against himself a combination suggestive of the combination against John, and experienced similar proof of national discontent. The stage was set for the *Confirmation of the Charters*. Within a month, however, the clergy had weakened. At a new Convocation the archbishop had recommended "the clergy to act each man on his own responsibility; '*salvet suam animam unusquisque*.'" When a little later the crisis reached its head and the baronage in arms held firm to its refusal, the archbishop made his peace with Edward. Profiting by this success, Edward appointed Winchelsey as his mediator with the baronage. From this point the interest is strictly constitutional, ending in the historic *Confirmation of the Charters* by Edward and his son. This interest is irrelevant here; the struggle with the Church alone being the theme of this Essay. Nor is the part played by Winchelsey in the active preliminaries of this *Confirmation* so clear as is often stated. The point of importance which emerges is this: that despite the worst political difficulties, the unleashed wrath of Rome and the organised opposition of the clergy, Edward had carried his policy of coercing the Church in England to a new measure of State control.

The parliament of Lincoln (1301) is a neat climax to the struggle between Edward and Rome. United again with his nation, Edward seized this occasion of gaining a *national* expression of opinion concerning John's contract of feudal relationships with the Papacy. If such a feudal contract existed between the kingship of England and Rome, England, in the parliament of Lincoln, definitely repudiated it in the reply ordered to be drawn up to Boniface VIII's characteristic claim (recently received) to be overlord of Scotland. This summary rejection of Hildebrandine "right" may possibly have driven Boniface to issue "*Unam Sanctam*" (1302), the completest statement known to the age of the papal overlordship of the earth, and, incidentally, the death warrant of the mediæval Papacy. Whatever its influence in such a direction, the declaration of Lincoln marks a decisive moment in England's relation with the Papacy: henceforth, if not before, the throne of England is free from Rome's jurisdiction. England has so

willed it. Edward reasserts successfully and finally the position adopted by the Conqueror and the great Angevin.

Here, therefore, is a fitting place to end this sketch of the first phase of the mediæval Church in England. The questions raised in its course have not been answered; in the second phase they can perhaps be more logically dealt with.

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

Gasquet, Cardinal: *Henry III and the Church.* (Bell.)

Hunt, The Rev. W.: *The English Church from its Foundation to the Norman Conquest.* (Macmillan.)

Hutton, W. H.: *Becket.* (C.U.P.)

Maitland, F. W.: *Roman Canon Law in the Church of England.* (Methuen.)

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ESSAY V

THE MANORIAL SYSTEM

1. The Origin of the Manor

The heart of the feudal economy was the *manor*, a self-contained unit supporting the families of free and unfree tenants. The student of the "Manorial System" has a wide field of literature in which he can pursue his studies; but he will find that around the question of origin much doubt has arisen. Two rival schools of historians have contested this question. The supporters of the Roman theory aver that the manor has a purely Roman ancestry: their opponents, the supporters of the Teutonic theory, deny this claim, and assert that the manor of the Middle Ages was the outcome of natural growth from the Teutonic "free" village. A brief examination of the arguments of the rival schools will enable the student to see the difficulty of the problem and to gauge the true position, that neither school can lay claim to a monopoly of truth. A discriminating blending of their conclusions will bring truth within our reach.

The supporters of the Roman theory put forward the Roman *villa* as the legitimate parent of the mediæval manor. In the first place they argue that the manorial system that existed in Northern France and Western Germany—at one time provinces of the Roman Empire—approximated nearly to the system that existed in mediæval England, whereas in the homeland of the Jutes, Angles and Saxons there is no trace of the customary "three field" system of the Romans. Indeed, the unusual "one field" system prevailed in those districts. Therefore they conclude that the "three field" system was introduced into England by the Romans during the period of their occupation. Secondly, they produce documentary evidence in support of their theory of origin. In the *Rectitudines Singularum Personarum*, an eleventh-century compilation, there is given a picture of an embryonic manorial system. Detail, such as we are accustomed to in later documents, may be wanting, but the

outline is the same. Moreover, that outline is rendered bolder by another piece of documentary evidence relating to the Gloucestershire " manor " of Tidenham. The description given corresponds very closely to the descriptions given by the compilers of manorial rolls in the fourteenth century. Though the supporters of the Roman theory deny the existence of the " three field " system of agriculture in the territories occupied by the Jutes, Angles and Saxons, it should be remembered that an ordered agricultural life existed along the shores of the Baltic from the earliest times ; and the peoples inhabiting those districts certainly practised a system of interchange of fields, for Tacitus reported that " *arva per annos mutant et superest ager.*" Lastly, the supporters of the Roman theory point to the fact that the normal holding—the virgate or yardland—[1] was indivisible. This, they maintain, is a definite proof that the status of servility existed from a very early period, since alienation and division are the natural rights of the " free " villager.

In contesting these claims the supporters of the Teutonic theory in the first place declare that all vestige of the Romano-British civilisation perished during the hundred and fifty years that the Anglo-Saxons were consolidating their conquests in the island.[2] Secondly, the character of the conquests is put forward as clear proof that a manorial system was evolved a long time after the establishment of the heptarchic kingdoms. The invaders were not members of isolated war-bands engaged on indiscriminate piracy ; they were members of tribes that were emigrating *en masse.* They would, therefore, bring with them the customs of the homeland ; and naturally they would adhere to their economic system, the unit of which was the " free " village. This, they argue, is a proof that the manorial system came into existence at a late period in the history of Anglo-Saxon England.

A closer examination of the tenets of the opposing schools will sweep aside much of the confusion and point the way to truth. Can we take the comparative methods of the supporters

[1] A *virgate* was usually about 30 acres.

[2] The case was very neatly put by the late Bishop Stubbs when he wrote : " the vestiges of Romano-British law which have filtered through ocal custom into the common law of England . . . are infinitesimal."

of the Roman theory seriously? Because there is a marked similarity between the state of society of mediæval England and that of Western Germany and Norther France there is surely no ground for asserting a common origin. History is full of parallel movements; and the growth of the manorial system might well be a matter of accident. Again, documentary evidence is far too fragmentary to be used for the purpose of exact generalisation. At first sight the picture of the *Rectitudines Singularum Personarum* is convincing; but a closer view must compel us to realise that it illustrates the principle of heterogeneity rather than that of homogeneity. The "manor" of Tidenham, therefore, might be regarded as an example of the heterogeneity that characterised early mediæval society. Finally, there is evidence to show that the virgate or yardland, though indivisible, actually supported more than one family. It would appear that the principle of indivisibility was maintained in practice because it induced orderliness—it was more convenient to have one person accepting the responsibility.

Domesday Book, however, offers positive evidence against the dogmatic theories of the supporters of both the Roman and the Teutonic theories. The former have given the impression that there existed from an early period a state of society in which the normal community consisted of dependents who worked for some powerful overlord. Domesday Book, on the contrary, shows that, although the villein class comprised some 38 per cent. of the total population (computed from the returns of the commissioners), there existed a large number of rural communities over which no one lord could claim manorial authority. For example, in Dry Drayton in the time of Edward the Confessor there were 19 socmen; and after the Norman Conquest the same number of tenants were "commended" to four different lords, namely the King, the Abbot of Ely, and two members of the old Saxon nobility.[1] In passing it is interesting to record that in the case of Dry Drayton the boundaries of the village and the manor did not coincide.

The manor of the Domesday Book is still in an embryonic stage of development, and from the mass of evidence given in that record we are justified in assuming that the growth had been gradual and that it differed in different localities. In

[1] For the process of commendation see Essay VI.

later times we find that even the mediæval lawyers, the slaves of rigidity, allowed the villeins certain rights. "*Aluredus de Cheaffewood reddit compotum de 40s. pro rustico verberato.*" Surely this is a relic of the time when the ancestors of Alured enjoyed the same rights and privileges as the lord who thrashed their descendant. To discuss the "extermination" suggestion of the supporters of the Teutonic theory is outside the range of this Essay; but a challenge must be given to it on general lines, because it affects the question of the origin of the manor. The conquering Jutes, Angles and Saxons were admittedly men of blood who gave little quarter and expected less; but wholesale extermination is unthinkable. The males of the conquered people would make useful slaves; the women might become domestic servants, concubines, or even wives of the conquerors. There must have been some admixture of the two races, and that would mean that customs would be blended together or else exist side by side.

This may not lead us direct to the origin of the manor, but it will explain the route along which we have to travel—and it is not the route of the rival Roman and Teutonic schools. It will be a middle way; for from the evidence at our disposal we can safely say that the manorial system in England, while developing gradually sprang from more than one source. In it we see traces of the Roman *villa* as well as of the Teutonic "free" village. The manor was the natural outcome of a process that sought to accentuate the mediæval conception of community of interest.

2. The Growth of the Manor

Uniformity in growth was no more to be expected than rapidity; there were numerous forces at work which tended to reduce the freeman to the status of villeinage, that is to say, the community of free tenants to a community of unfree tenants. Our aim, therefore, is to trace the methods by which the rights of freedom were surrendered to some powerful individual who attached those rights to his own person.

The first influence was taxation. The introduction of the Danegeld, and its continuance, was destined to have far-reaching economic effects. The small landowners felt the burden of this impost most heavily, and as the tax increased

(by raising it to 6s. on the hide, William I actually trebled the impost) so did the small landowners find themselves forced towards the abyss of bankruptcy. They therefore turned for help to their more powerful and wealthier neighbours who lent it them—at the price of losing their economic independence, or at least some part of it. This loss of economic independence, in the course of time, generally brought about a corresponding loss of political independence and legal rights. At the same time influential landlords with a surplus of land and money made a practice of planting settlements of poor people on estates, and these inhabitants would be called upon to pay rent for the land they tilled in the shape of certain servile duties. The Church, for example, made a practice of "loaning" land for a period of three lives; the landlord received a service rent, *e.g.*, so many days' hedging, ditching, ploughing, etc. The Danish invasions and the recurrence of bad harvests would also induce a state of poverty among the small landowning class, and compel them to make terms with men of greater wealth. And it is well to remember that it is never permitted to beggars to make their own terms.

Thirdly, the inherent weakness of the central government in the Anglo-Saxon period gave rise to a steady process of decentralisation which reacted upon the status of the small landowner. The tie of kinship, so marked a feature of the Teutonic system, grew weaker and weaker; and under Aethelstan it broke down, for an ordinance enjoined every man to take to himself a "lord." The lordless man was outside the pale of society—he was an outlaw and could only expect an outlaw's existence. Those who would know more of his unhappy position should read "*The Wanderer*," a contemporary poem of great beauty of expression. It must not, however, be supposed that this process of commendation produced a state of economic unfreedom. Land could still be held freely, but the tendency was towards a general debasement of the freeman's status.

Alongside this process of commendation, urged by the central government, there grew up the practice of a king making definite grants of seigneurial jurisdiction to the more powerful of his followers. From the earliest times the sovereign had possessed valuable rights over his subjects; some of these in

later times were alienated, first to the Church, and then to the laymen who helped him in the administration of his kingdom. The most vital of these regal rights was that of administering justice and interpreting the code of law in a formal court at which all people in a given area must attend. The alienation of this right of administering justice had gone a long way by the time that William the Conqueror and his followers came to English shores. The Normans would quickly perceive that this practice approximated very closely to that of their own duchy, though perhaps it lacked the cohesiveness and orderliness of their system.

In the fourth place we must notice the rise of a class of professional soldiers during the Anglo-Saxon period—a "nobility by service." The old territorial army, the fyrd, was totally inadequate as a permanent defence force, and owing to lack of training incapable of dealing with the trained war-bands of the Danish marauders. Thereupon Alfred decided to raise a professional army, well equipped and well trained; and to support these professional soldiers, land was given to them. As a matter of fact this military class at first came from the ranks of the landlords who held a certain amount of land—usually five hides; but in the later Anglo-Saxon period the process was reversed, and membership of the military class carried with it a grant of land. The advantages of living under the protection of a powerful warrior landlord would be quickly recognised by the smaller landowners; while the monarch would also realise that such a man was the best suited in the locality to maintain order and administer justice. In this way the creation of a professional military class led to a further process of commendation.

When the Normans came to England they found in being a nascent manorial system which in many respects was similar to their own. They therefore accepted it, but being a practical people with a bias towards orderliness they set about consolidating and unifying it, at the same time superimposing upon the native system some of the customs and practices that obtained in their own country. In this way the heterogeneous system of the Anglo-Saxons was swept away, and in its stead a homogeneous system grew up. Definite rights went with every grant of seigneurial jurisdiction, fixed services were imposed

upon the mass of the unfree tenants, and free tenants whose rights of freedom were ill-defined were slowly reduced to the status of the unfree tenants or villeins. This, however, did not take place at once; a considerable time elapsed before the unfree tenants were reduced to the legal formula of the mediæval lawyers—"*adscriptitii glebæ*." In Domesday Book that certainly was not the lot of the unfree tenants or villeins; a state of economic unfreedom existed, but the villeins were not as yet chattels to be bought and sold with the land they cultivated.

Nevertheless, by the thirteenth century the mass of the unfree tenants on the manors of mediæval England had been reduced to that ignominious position largely owing to the activity of the mediæval lawyers whose desire for rigidity was greater than their love of humanity. In Bracton's time the tiller of the lord's demesne was in the tragic position that "*nec scire debeat sero quid facere debeat in crastino*." Time had brought about crystallisation; and legal definition had taken the place of customary rights. The personal relationship between lord and man that existed in the Anglo-Saxon period was supplanted by the territorial and legal relationship that existed under the Normans and Angevins.

3. The Villein and the Manorial System

It is perhaps impossible correctly to estimate what the loss of economic and political freedom meant to the villein in the Middle Ages. He was not accustomed to high standards, therefore he probably accepted his slowly-changing status without complaint. On the other hand his position in society must have occasionally made him feel resentment against those whom the law regarded as his social superiors.

The villein, however, must not be regarded as a landless labourer. He possessed a virgate; he enjoyed valuable rights of pasture and common; and he had stock and implements. Actually the villein on a mediæval manor approached very nearly to the status of a substantial farmer, and in many ways he was far better off than many of the present-day farmers.

The whole edifice of the manorial system rested upon the solid foundation of villeinage; for without the services of the villeins the working of a mediæval manor as an efficient econo-

mic organisation would have been impossible. What then were these services ? [1]

First came *week work*, in which was included all kind of labour connected with the normal working of the manorial estate. The villeins, for example, would supply the oxen (generally two from every virgate) for the ploughing of the lord's land ; and they would undertake carriage duty—an important obligation in an age when communications were poor. Secondly, tenants in villeinage were called upon to perform *boon works* or *precariæ*, that is, works of an exceptional character, such as harvesting.[2] For the work performed the lord was generally bound to give the villeins food and drink, though there are instances in the history of the Manorial System where the lord did not give food and drink to the workers. Thirdly, there were contributions in money and kind which the villeins paid at certain seasons in the year. Poultry, eggs and honey would be given at Christmas, Easter and summer respectively, or these contributions in kind might be replaced by the payment of a fixed sum of money. One thing should be remembered : the tenants in villeinage were not bound to perform their services in person (harvest time excepted). They could send efficient substitutes, and undoubtedly many of the villeins availed themselves of this privilege, preferring to work on their own land and sending their able-bodied sons to take their place in the fields of the lord. Throughout the early Middle Ages the value of a manorial estate depended entirely upon the services of the villeins who inhabited it, for as yet there was wanting a class of wage-earning labourers.

[1] The unfree cultivator in certain parts of the county of Gloucester in the time of Simon de Montfort owed seven definite services, viz., (1) a small money rent ; (2) ploughing his lord's land twice a year ; (3) presenting his church with a few bushels of corn ; (4) harrowing his lord's land during the season of Lent ; (5) sheep-washing ; (6) hayrick-making and bean setting ; (7) reaping 2½ acres a week in harvest season.

[2] The nature of the boon works or *precariæ* varied with the locality and the customs of the manor. The following illustration relates to Tidenham, near Chepstow. The customary tenant "will do three boons, mowing, tossing and pitching the meadow, and for each 5 acres of mead so mown, tossed and pitched, he shall have one truss of hay, and this work is beyond reprise. And he will do one boon hauling hay if he has a horse and if he has not one, he will work with the fork and it is allowed him for one work." Quoted from W. Rees : *South Wales and the March*, 1284–1415, p. 166, note 1.

The enjoyment of a certain amount of economic independence did not raise the status of the villeins in the eyes of their superiors, who very naturally took their stand behind legal interpretations. The villein was a chattel; he could be bought and sold with a manorial estate since he was "*adscriptitius glebæ*"; and he could not easily shake off the yoke of bondage. "This must be noted," declared Glanvill in *De Legibus Angliæ*, "that no man who is in serfdom can buy his liberty with his own money; for, even if he had paid the price, he might be recalled to villeinage by his lord, according to the law and custom of this land; for all the chattels of all serfs are understood to be so far within the power of his lord that he cannot redeem himself from his lord by any money of his own." [1] This vicious circle was sound law in the Middle Ages. Protection of life and limb was afforded him, though in respect of civil rights he was powerless against his superior. Noble society shunned him, as noble society will shun the less fortunate—witness the superior contempt in Walter Map's cynical utterance, "*odit anima mea servos.*" The happiness of the customary tenant depended upon the customs of the manor to which he belonged and the character of his lord or the lord's deputy, the bailiff. Customs varied considerably in different parts of the country; in some districts they weighed heavily upon the tenants in villeinage, in others lightly. An exacting lord could exact all that the letter of the law permitted him, and under such a man it is certain that even the lightest duties became a source of irritation and annoyance.

It must be remembered that the manorial lords were all powerful on their manorial estates, for their seigneurial rights were comprehensive. The villeins and their "brood"—such is the contemporary expression—were their chattels; and, as we have already seen from Glanvill, they could not win their liberty except by the process of desertion or voluntary manumission on the part of their superiors. Moreover, the lords enjoyed definite rights in which the villeins were seldom allowed to participate. They had rights of hunting, hawking and fowling; they possessed parks, warrens, and quarries; and they guarded these rights with jealousy against trespassers.

[1] Quoted from Coulton: *Social Life in Britain from the Conquest to the Reformation*, pp. 338–9.

Strangers passing through their manors generally were called upon to pay a toll, either for their own persons or for their beasts, or for both. The customary tenants paid to their superiors a *multure* or *tolcorn* for the privilege of using the manorial mills; and custom forbade them to take their grain elsewhere without first having purchased that right from their lords. Ale was also made a source of pecuniary advantage, and the lords received a *prise* whenever any of their customary tenants brewed. For example, the villeins of Chepstow had to give a prise of 8 gallons or its equivalent in money whenever they brewed. The licence of the lord (it took the form of a fine, called a *merchet*) was demanded whenever the daughter of a villein married, or a son entered Holy Orders—"*nec filium suum coronabit nec filiam maritabit sine licencia domini.*" A *leyrwite* was paid when the daughter of a villein had been found guilty of incontinence; and there are instances when this fine was exacted from a whole group of tenants for concealing the incontinence of the daughter of one of their number. All customary tenants owed suit of court to the *Halimote*, the local manorial court, which was held about once in three weeks; and they were also called upon to attend twice a year, about Easter and Michaelmas, the *Court Leet* of the lordship in which their manor was situated. Probably the heaviest burden borne by the customary tenants was the payment of the *heriot* and the *mortuary*. When a villein died the lord could claim his best beast ("*melius averium*"), or, failing that, his best chattel ("*melius catallum*"); and the rector of the parish his next best beast, or, failing that, his next best chattel. The origin of the *heriot* can be found in Anglo-Saxon times, when the bond between the lord and his tenants was more personal than in the post-Norman period. Tenants owing military service to their lord received from him a *hergeat*, which usually took the form of a horse and armour. It was natural, therefore, that on the death of the tenants the equipment should revert to the grantor. The Church exacted a mortuary because churchmen argued that it was highly probable that during life tenants had defrauded her of tithes. In the course of time this custom was sanctified by Canon Law, and thereafter the Church could exact her *mortuaries* with the knowledge that refusal to pay them would entitle the recalcitrant tenant to all the rigours of the secular arm.

There was, therefore, a large element of chance in the life of the villein during the Middle Ages. Brutal natures would delight in making the lives of their unfree tenants miserable by using every advantage that law and custom gave them. On the other hand, there were manorial lords of more humane and Christian character, and on their estates the villeins' lot was generally less onerous and odious than the law suggested. Royal and ecclesiastical landlords, in particular, were less exacting than their lay neighbours; though on royal and ecclesiastical estates villeinage lasted far longer than on the estates of the laity. The burdens of villeinage were only felt when the villeins managed to compel the lords to surrender to them a certain measure of freedom by allowing them to redeem former services. The villeins had tasted liberty, and they wanted to feed upon it as they willed and not at the pleasure of a superior.

A typical picture of the life of the villein on a mediæval manor can be seen in the numerous manorial records of the period. The following example is taken from the terrier of the Abbot of Glastonbury.

"Be it noted that each customary tenant (of Wrington), as often as he shall have brewed one full brew, shall give to my lord abbot 4*d.* under the name of *tolcestre*. *Item*, each customary tenant shall give mast money for his pigs, as appeareth more fully in the Ancient Customal. *Item*, be it noted that the customary tenants are bound to grind their corn at my lord's mill, or to pay a yearly tribute in money, viz., each holder of a yardland 2*s.* 8*d.* Be it noted also that, when any shall die, my lord shall take his heriot, to wit his best beast. And, if there be no beast, from the holder of a yardland or half a yardland he shall have one acre of corn; and from any lesser tenant, if he have so much land in cultivation, the lord shall have half an acre of his best corn. And even though the wife die before the man, he shall give no heriot; but if she die in the holding after her husband's death, and shall have given it up to my lord or shall die in her widowhood, my lord shall have the heriot as aforesaid. And if there be no corn, then my lord shall have the best chattel found in the tenement on the day of death, as appeareth in the Ancient Customal. . . . Note, that whosoever shall be tenant of the customary mill, which is now held by Edmund Leneregge, is bound to provide millstones, so that the burden fall not upon my lord, as was found

upon the copy of William Truebody, lately tenant of that house and mill." [1]

4. The Break-up of the Manorial System

We have seen that the foundation upon which the manorial system rested was villeinage, which might be described as the intimate economic connection existing between the lord's demesne and the community of unfree tenants. So long as that connection was maintained the foundations of the manorial system remained secure. In the course of time, however, two tendencies weakened the bond between the demesne and the community of unfree tenants, namely, the commutation of labour services for a fixed money rent, and the practice of alienating the demesne.

A. COMMUTATION

Commutation took place at an early date (it is first mentioned about 1110), and it arose out of a number of varying causes. Manorial owners and managers were not slow to realise that forced labour was a mixed blessing. Walter of Henley put it very succinctly when he said "customary tenants neglect their work, and it is necessary to guard against fraud." A manorial lord might send a villein into his field, but he could not make him give the best of his labour. Forced labour, therefore, was not conducive to progressive agriculture, which was already hampered by the rigidity of the "customs of the manor," effective breaks on progress and initiative. Moreover, forced labour demanded a host of officials in order to make it effective; when hired labour was introduced fewer officials were needed, and the cost of managing manorial estates was appreciably lessened. When discussing *boon work* we mentioned that it was customary for the lord of the manor to give food and drink to the workers. As prices rose this practice proved itself a burden upon the lords; the cost of the food and drink exceeded the cost of the labour. For example, on the Sussex manor of Bernehorne every villein was required to harrow his lord's land for two days. The lord gave the villeins three meals a day,

[1] Quoted from Coulton: *The Mediæval Village*, pp. 36–7.

the cost of which was fivepence. But the cost of the labour amounted to fourpence.

It should be clearly borne in mind that commutation was a slow process, and that the causes varied in different parts of the country. The tendency was for the tenant to rid himself of those services that pressed most heavily upon him, whilst the manorial owners would only concede those rights which they could most readily do without. Thus it will be noticed that work in the harvest field was retained the longest by the lords because they had difficulty in getting labour at that season of the year. Before the appearance of the Black Death commutation was often a temporary expedient; some years the villeins would pay rent in money or kind, the following they would revert to labour services. Manorial lords who had received money rent in lieu of labour services soon perceived that the change benefited them; with the money they could hire labourers whose wages depended upon the work they performed. Thus a new class came into existence, namely, a class of wage-earning labourers, who were drawn from the sons of the villeins, the cottars, and other landless unfree tenants. The rise of this wage-earning class was a characteristic of the fourteenth century.

Thorold Rogers popularised the view that by the time of the Black Death the process of commutation was almost completed. This clearly was not the case, for in 1350 the tenants in villeinage still performed all the labour services on a large percentage of the manors of England. Another view is that the Black Death actually set in motion the process of commutation, and that it therefore marks the beginning of the break-up of the manorial system. Above it has already been shown that commutation had taken place as early as the twelfth century, and there is every indication that from that date to the outbreak of the Pestilence it was continuous. A more correct view is that after the Black Death commutation became more and more common. The dearth of tenants in villeinage compelled the manorial owners to offer terms to those who survived—and we can be certain that many of the survivors, realising their power over their masters, sought relief from the irksome labour services. During the last half of the fourteenth century the villeins must have found themselves in a very favourable

position to strike a bargain with the manorial owners. Wages, since the commencement of the century, had risen; and after the Pestilence they rose still higher. Reapers before 1350 received from two pence to three pence a day; after that year they could demand as much as five pence and six pence. This rise in wages, therefore, placed a temptation in the way of the villeins, and a great many of them deserted the manors to which they were legally bound in order to join the class of wage-earners. Desertion was commonly resorted to after the Black Death for another reason. Tenants in villeinage now found their tenancies burdensome, since they were called upon to perform services that had previously been shared by all the able-bodied members of their families; for the virgate of the villein supported a large family. Another inducement to throw off the yoke of villeinage was the growth of the woollen industry, which took place between the years 1350 and 1450. In the cloth trade, soon to become the staple of English commerce, many of the restless spirits who had formerly been "*adscriptitii glebæ*" found complete economic freedom.

At first the lords accepted the position, but after the Black Death, when the movement towards emancipation became most rapid, they attempted to check it by means of statutory methods. Labour laws were passed and re-enacted; but the stringency of these measures was lessened by the desertion of the villeins. Ultimately the manorial owners had to accept the position and find tenants who would work their estates under conditions which the lord was powerless to contest. As the chronicler of Knighton said, the manorial lords were compelled to accept the terms of the villeins "lest extreme and irreparable ruin overtake their houses and their land everywhere remain untilled." At the beginning of the fifteenth century a general commutation of services took place; the unfree tenants generally paid one shilling an acre for the land they held of the lord, and for which they had been accustomed to perform services in the lord's fields.

B. THE ALIENATION OF THE DEMESNE

The practice of alienating the demesne was the corollary of the process of commutation. Manorial owners found that it was

impracticable to retain the demesne in their own hands unless they had a sufficient number of tenants in villeinage at their disposal and enough money to pay labourers. An alternative was to let the land to men who had formerly held their land in villeinage. This course was generally adopted; the lord provided the land, seed, and the stock, and the tenant paid a rent for the land and provided his own labour. This system of the *stock and land lease* was an excellent solution of a difficult problem; for in the mediæval period the value of capital was not fully realised. It gave the villeins the opportunity of becoming substantial farmers with enjoyment of certain economic liberty. The manorial owners seldom broke up the demesne; it was let to one man. As a result of this system of the *stock and land lease* there came into existence a class of tenant farmers who were the ancestors of the redoubtable yeomen of England.

The view that the Peasants' Revolt of 1381 was caused by the manorial owners' attempt to re-impose upon the villeins the obsolescent customary services is erroneous. The direct cause was the way in which the agents of the government mismanaged the poll tax. Indirectly, however, the break-up of the manorial system influenced that social upheaval. Tenants in villeinage had tasted freedom; and they craved for greater freedom. The hand of their masters had pressed more heavily upon them in the past, yet they never rebelled against their superiors; but when the hand of the lords was light, then did they feel its sting and goad themselves into a fury of resentment at the inequality that existed in society. Men like John Ball fanned the flames by preaching socialist doctrines extolling the equality of man.

His famous rhyme :—

> "When Adam delved and Eve span
> Who was then the gentleman?"

was not calculated to induce the villeins to revert to a state of submissive obedience to their superiors. It is significant, too, that Wat Tyler came from Kent—and in 1381 villeinage no longer existed in that county.

One point should be noticed: although the break-up of the manorial system did give the villeins a large amount of economic

freedom, it did not give them complete liberty in the eyes of the law. The burdens of villeinage still lingered on, though they were seldom placed upon the shoulders of the people who tilled and worked the land. Economic forces had struck the first blow at *privilege;* and those economic forces were strong enough to ensure that *privilege* never struck back.

5. The Merits and Demerits of the Manorial System

The advantages and disadvantages of the manorial system must now be observed. In the first place co-operative ploughing was essential owing to the paucity of ploughs and oxen. Each tenant on the manor helped his neighbour, generally sending two oxen to make up the plough teams in the manorial fields. The manorial system was essentially a communal system; the group dominated the individual, and though the control of the group was vested in a superior it must be remembered that even that superior was compelled to bow to the will of custom until "law" made such humiliation unnecessary. Under the manorial system every individual had to maintain a definite standard of tillage, the judge of which was the group acting according to the dictates of the "customs of the manor." Thirdly, in an age when the able-bodied men of the village were often called away on military service co-operative husbandry was a necessity. Those who remained behind would look after the interests of those who were serving. But the chief advantage of the manorial system was that it gave the small man a definite economic status. Every villein held a virgate of land. Legally, it is true, he had no rights in that land, and he could be dispossessed of it without notice or compensation; actually manorial owners adopted neither of those courses, and the tenants in villeinage came to be regarded as having an inalienable right in their holdings. Moreover, the villein had rights of common and pasture, and it was these rights that enabled him to become a substantial farmer. Finally let it be remembered that in the Middle Ages the idea of Capital was not understood. The lack of a capitalistic system, therefore, made the communal manorial system indispensable. The group had to work together in order to supply its needs, and in this way the mediæval manor became a self-sufficing economic unit. The simple wants of the

inhabitants could be supplied locally, and there was no reason for trading between one locality and another. When the wants of the community became complex (and this happened after the Crusades and the French Wars) trading was instituted, and the pedlar appeared upon the scene in order to supply wants that could not be met locally. The mediæval pedlar played an important part in the overthrow of the manorial system.

Nevertheless there were many disadvantages, and some of them will already have become apparent. Though the " three field " system allowed the land to rest, the mediæval cultivator made no use of manures, and the land was slowly becoming exhausted. The introduction of sheep and the growth of sheep farming undoubtedly saved the arable land of England, since it gave it the manure that it needed. Secondly, much valuable time and effort were lost by the cultivator being compelled to wander from strip to strip in the manorial fields; and the separation of the strips made supervision impossible. Much valuable arable land was occupied by the *balk land*, and the absence of fences allowed straying cattle to do irreparable damage in the fields that were sown with corn or other grain. The risk of infectious disease among the cattle was great under a system of common grazing, and there is considerable evidence to support the view that the mediæval cultivator suffered serious loss from the frequent outbreaks of disease among the cattle on the manor. But the most serious drawback of the system was that it maintained the *status quo* and fought back progressive measures of agriculture. The cultivator was dominated by the " will " of the group—and that " will " took its stand behind the inherent conservatism of the age, expressed in the " customs of the manor." The enterprising cultivator with powers of initiative and organisation was impotent if he attempted to make use of his natural ability and follow a more progressive policy. When the system was overthrown it was those men who developed English agriculture, which, with all its failings, was certainly more progressive than that of the majority of European countries where the manorial system lingered until modern times.

J. D. G. D.

CALIFORNIA

SUGGESTIONS FOR FURTHER STUDY

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ESSAY VI

FEUDALISM AND CHIVALRY

1. What was Feudalism? Its Origins

Feudalism was *a form of Civilisation.* It is important to state this clearly, because the term "Feudalism" has become specific in its application to certain forms of government and systems of land-tenure. Most definitions of the word are primarily, if not wholly, concerned with these two characteristics of socialised life. Two well-known examples of such definitions are :—

(i) "Feudalism is a system of government based on the tenure of land."

(ii) "Feudalism is a system of land tenure and of government in which the landholders are the governors."

If Feudalism was a form of Civilisation, then these and similar definitions are defective : they define parts, not the whole. In any organisation of a people the type of government and the system of land-tenure are necessarily outstanding features : the prominence and importance of these features in the Feudal State have caused them to be stressed almost to the exclusion of all else in historical discussions of Feudalism. In economic and constitutional histories such discussions are generally adequate and technical, in legal and military histories they are found narrowed to one technical aspect, in other types of histories they either do not appear or are garbed in romantic phrases. This is sound so far as the requirements of these types of histories are concerned. But what is so seldom stated or even suggested is the prime truth that Feudalism, rightly viewed, was a gigantic form naturally evolved by the social organism, which, originating in the necessity of self-protection, became in course of time a highly specialised and peculiarly characterised type of Civilisation.

As a system of life, meeting the full needs of great communities, Feudalism must be assessed as a vital whole.

Government and land tenure did not exhaust Feudalism: Feudalism had as many sides and interests as social life itself. For instance, housing accommodation, domestic ways and customs, manners, practical ideas and ideals of morality, social relationships and economy in all its phases—these are integral parts of a civilised whole life: that in the Feudal form they owed almost all to the protective power of a certain type of government and to a certain system of land tenure is indisputable, but the same can be claimed in regard to every form of Civilisation known to history. While, therefore, the land system and the government within the Feudal State must command first attention, no study of Feudalism would be complete unless it included investigations into all the other vital organisations, relationships and interests, which, in combination, made up the full unity of socialised life in any Feudal State.

Conscious design cannot be found or postulated in the initial stages of the Feudal Movement. Like so many other great "movements" in the life of organised humanity, the Feudal Movement began in an instinctive attempt on the part of Society to protect itself against dangers visibly destructive to the old and existing organisations of social life. The terrors of barbaric invasions and general "break-up" were sufficient even in the so-called "Dark Ages" to make men understand that the ways of their fathers would no longer do. Hence, the new defensive groupings, terrorised, formless, and almost blind in their fearful activity at first: later, those upon whom leadership had been thrust, learning by experience that such new forms of community-grouping held promising military and economic advantages to themselves, urged on their formation by all means in their power.

Thus, the chief features of the early Feudal Movement can easily be seen—the blind but instinctive rush of the common people to the church or the local stronghold to escape death at the hands of the alien ravagers—the rise of the local "strong" or "great" man to higher degrees of power in proportion to his successful lead of such rabble—the localisation of this power owing to the king or the prince of the land being unable to defend his whole realm or even to aid or to coerce this newly constituted and urgent local authority—the granting of the

land by the king to the local "great" men—the significant process much later known as *Commendation, i.e.*, the common people putting themselves under the *protection* of local "great men," in return for their surrendering their meagre holdings of land!

From such various elementary forms of social, military and economic disturbances the Feudal System of the ninth and succeeding centuries developed. It was not planned nor was it directed from a central intelligence: it was a mass movement responding to natural causes. How or when the nobility of western Europe *understood* the new form of social organisation actually taking place around them is not known: but it would seem that they quickly accepted the directing of it for their own profit so soon as they saw its protective and lucrative advantages and comprehended vaguely its general principles.

Created by the endless reactions against the swirling devastations of guerilla warfare, the Feudal System was completed in its basic organisation when western Europe ceased to be the objective of the innumerable hordes of northern marauders. The following centuries saw the fairly settled peoples of western Europe build on this basic organisation—social, military and economic (land-holding forms)—a new civilisation adorned with a new culture—Mediævalism!

Seen from afar, Feudalism appears to be as arbitrary a man-made system of human association and government as ever the world saw: but the simple truth is that Feudalism just happened: it was the natural result of the peculiar circumstances conditioning its birth; these, summarised, were the utter failure of any central governing authority to lead successfully either the separate peoples of western Europe, or western Europe itself, against the peril of universal sea and land piracy, the far-reaching threat of anarchy, and the menace of general destruction. Centuries later, Feudalism was arbitrary. Its governors (aided by lawyers) then understood its system of life and clung desperately to its forms and the privileges of all kinds it allowed them.

Thus, Feudalism is like all other civilisations. In their origins, such vast movements control men; in their middle age men control them; in their old age and dissolution they once more compel men to submit to their irresistible force of change.

2. Anglo-Saxon (Continental) Feudalism

The social structure of the Feudal State was pyramidal. The apex was the king, the overlord: the broad sure base the common people, semi-servile in their absolute vassalage. Between, ranging down class by class, were the different categories of "lords," from the powerful magnates, the king's vassals, to the lowliest of the mesne tenants, the "lords" of the humble tillers of the soil. The differentiation of class was complete and permanent: the feudal social structure was a caste system. Yet the whole was a firm unity in that the strongest of bonds tied each class to its superior, from the lowest to the highest. This human relationship of vassalage is perhaps the most distinctive characteristic of Feudalism: modification of such relationships was possible, but so slow in its process that at any stage in its long history the Feudal System bears all the external marks of an immutable organisation, especially strong in the bonds which bind all the classes of men together in an elaborate and graded scale of "feudo-vassalage." Hence, this fact of "the union of two relationships of lord with man and lord with vassal" is a more prominent characteristic—since it is the *vital* characteristic—of the System than either the type of government or the form of the land tenure. This must be insisted on despite the equally important fact that without the latter the former would be hard to conceive or to organise. Land was granted and held in return for certain services: in the rendering of these services the vassal-relationship was necessarily contracted and enforced.

The type of Feudalism common to western Europe was developed in the Anglo-Saxon realm centuries before the Norman Conquest. The Anglo-Saxon kings yielded to the prevailing political and military pressure and, the Witan approving, granted large areas of land to their lay and ecclesiastic magnates. Many grants carried the rights of ownership: others carried only certain rights—legal or economic or military or combinations of these kinds of rights—over the land. *Right of ownership* translated into feudal practice meant full power to rule the feudum: the feudal magnate was responsible for the maintenance of law and order within the boundaries of his

estates: he governed on behalf of, and with the permission of, his overlord the king. This plenary authority was *not* granted in the case of feuda carrying certain rights only: all the same, in those wild times the magnates holding such feuda freely arrogated to themselves the power to govern. And here the *Manorial System* with its jurisdictionary and economic organisations rises to great importance as the centre of this localised feudal government.[1] So Feudalism developed in England by means of actions from the *top* of the social structure.

At the same time the vast changes consequent on Feudalism were accentuated by a widespreading and rapid movement from *below*—the base of society. The practice of *Commendation* naturally arose in the lowest ranks and eventually became an obligation. All men were commanded by Aethelstan to seek the protection of a "lord." In return for this lordly protection the *commended* man would become the lord's man, and, receiving back his land as the "grant" of his lord, he would work it in order to live; his feudal *service* to his lord would be both economic and military, *i.e.* he would have to rally in arms at the summons of his lord, and would have to work for nothing on his lord's demesne according to stipulated rules. The simplicity of this system was engaging: it allowed the easy and quick growth of Feudalism from *below*: that it deprived the humble landed men of their rights as *real owners* was an evil for which there was no remedy.

Within this system of government based on land tenure *customs* rather than legal definitions safeguarded right from wrong and maintained order and security. Such customs hardened into feudal verities and soon were held to be as sacred and inviolable as any legal precepts. In the acceptance and the discharge of these customs the personal element is clearly seen. Personal *service* in accord with customary rules is the prime human contribution to the Feudal System: without it the System would have withered and collapsed. Personal service necessitating personal presence and obligation daily strengthened the "customs" of Feudalism and to a large extent prevented or delayed for centuries the growth of formal law. These customs found their liveliest expression in the *Dues* or

[1] See Essay V.

Incidents of feudal tenure exacted by all overlords and lords from their inferiors (vassals) in the feudal scale of social status. The respect given to these forms of taxation—they were really nothing else—was born of the vassal's wholesome fear of the overlord's power to enforce their full discharge. In the feudalised State the final advantage always rested on the side of Might: and Might saw to it that Right was done and observed—Right as prescribed by *consuetudo*. In this simple process the extraordinary discipline of such a State was made possible and maintained.

During this primitive period of Feudalism these customs, dues and incidents emerged and became settled parts of the economy of the system: indeed, their necessity and creation were most likely the first things men really understood about the new system of life and order engulfing them. There was much material profit and much human misery in them. Of all the dues and incidents so commonly known as characteristic of the Feudal System in the Middle Ages the following in some elementary form were probably inherent in the system in its earliest stages of growth—Military service, Aids, Reliefs, Fines, Escheat, Wardship and Marriage, Free Labour, and probably Primer Seisin.

The weakness of this Anglo-Saxon ("Continental") type of Feudalism lay in the acknowledged or assumed "right" of the magnates and inferior overlords to *govern* their feuda as they wished. Feudal chieftains stabilised their authority, often to the extreme limits of tyranny, at the expense of royal rights and influence. Kingship, except in the hands of a super-man, became impotent and nominal: the king himself came to be regarded by his magnates as "*primus inter pares*"—a significant derogation of sovereignty! The conception of Nationalism was then unknown: and its knowledge and inspiration were rendered impossible by the ever-growing factions of conscious Feudalism. The tremendous and iron-welded unity of the Feudal System of Society was exposed as a sham: such Feudalism encouraged disintegration, not consolidation, of royal power. Only in crises which menaced the whole State was it possible for the king to draw the bonds of vassalage tight enough to present a united front to the enemy. As usual, the

source of this weakness lay in human nature. The cupidity of the overlords was aroused. The itch for power continually irritated them. Entrenched in their Manors or fortified houses (the germ of the castles) and well served by sycophantic and sharkish men, they used their feudal (private) law courts to increase their wealth, and lost no opportunity of adding to and consolidating their landed possessions as the chief means of increasing and consolidating to some form of absolutism their local military and political authority! Clearly, the common people were reduced to semi-servile status; and within the complexity of the higher stages of the social structure, all the jealousies and animosities and ambitious-evils known to mankind were released to work their woe and ruin. What ought in theory to have been the strongest form of State organisation—"Continental" Feudalism—proved in reality to be the weakest.

3. Norman Feudalism

William the Conqueror's high ability has often been proven: but it is not necessary to go further than his remarkable attempt to create a Feudal State that should allow the king's predominance to be assured. In his clear view of the weaknesses of the existing type of Feudalism he was not better informed than a host of feudal monarchs: he stands alone however in his resolute modifications of the existing type until he had changed it for good. William's purpose was to reorganise Feudalism in England so that his new kingdom should still retain a feudal character—any other conception of character was impossible in that Feudal Age—while a strong centralised government, himself being sovereign, should really *rule*. His plan was bold and original: it marked an epoch in Feudal history.

His chief acts in this vast effort of State reconstruction are commonplaces of English history. His proclaiming all England to be *terra regis*—his, to dispose of as he wished!—the scattering of feudal estates in different parts of the country—the abolition of the great Anglo-Saxon Earldoms except the Palatine Earldoms—the famous summons to Salisbury with its unique Oath of Fealty [1]—the retention of the Anglo-Saxon Local Administra-

[1] This famous episode has lost some of its glamour in modern scholarship. Many historians deny that the Oath of Salisbury was unique in character. It was undoubtedly a powerful act of royal centralising policy: this is the point.

tive System as an active, tacit check on Manorial Jurisdiction and Feudal Administration—the maintenance of the Fyrd—Domesday Book's irrefutable evidence: all were masterstrokes in the execution of William's policy to *control* his Feudal State.

A decision probably more important than any of the above concerned "Ownership." William's declaration that all the land was his was fundamental. It established the legality of his supreme overlordship in his Feudal State, so far as it could be established legally. And in his granting and apportioning his new land among his friends, military and ecclesiastical, he did not grant away the right of *ownership:* all land so granted could if the "custom" allowed be escheated back to the royal owner: herein lay the vital difference between the system of land-tenure in the Norman Feudalism and the common type of "Continental" Feudalism. In the latter the land was generally owned by the tenant, and ownership carried with it the right to govern. In the Norman scheme the land was never owned and did not therefore carry with it the right to govern. All estates and feuda granted by William were held by his tenants on condition that they performed certain defined *services. Service* was the key to his system: and *Service* meant trust. If such *Service* was denied or neglected or not rightly performed, the land, forcibly if need be, would be taken away from an unjust or an incapable *servant.* This was the true meaning of vassalage. The Oath of Salisbury had an economic as well as a military obligation. Thus, to the leaders of the new Society the Conqueror made it clear that he intended to maintain his supreme authority of government within his new Feudal State.

As they were treated, so William's magnates treated their dependants. In the granting and the regranting and the re-regranting of the estates in order that all those worthy of landed estate should receive their shares, full ownership was never given. In all cases the land carried *Service* which had to be honourably fulfilled. Hence, the cardinal principle adopted by William ran throughout this complex process of subinfeudation: ownership was his alone! So England was re-organised on a territorial basis in a manner which (theoretically at least) checked the disruptive tendencies so alive in the old type of Feudalism.

If ownership of land was not granted, what was? *Rights!*

What were " rights " ? Anything of economic value ! For example, the right of the use of the land for any purpose whatsoever or purposes or purpose as defined ; the right of jurisdiction or certain types of jurisdiction (this right was regarded as essential in the Feudal System and highly prized—the right to set up private courts) ; the right of hunting, fishing, etc. ; the right of raising certain revenues. The energetic revival and wide development of the Manorial System necessarily created a plethora of such " rights." The king might and did grant a feudum with a plenitude of " rights," or, as generally, he might grant " certain rights " only. All these " rights " were of fiscal value (assessed service) to him ; if they were wanted in the grant of a feudum, then they had to be paid for, and only then if the king deemed it wise to grant them to the lord desirous. As Maitland judiciously put it : the grant was " a parcel of rights "—every one of great economic worth to the holder. By this time (the eleventh century) the lawyers were beginning to influence the System, and the Conqueror was not slow in accepting their advice and guidance in the estimation and the definition of these rights. In the same way the tenants-in-chief were aided by their lawyers ; so also were the richer tenants-in-mesne. Thus, the granting away of only " rights " over the land became the accepted custom at all stages in the subinfeudation process in this Norman System of Feudal Land-tenure.

Rights entailed duties : and duties were *services.* These services were of four kinds : military, spiritual, serviential and free.

The Conqueror made *military service* obligatory in the vast majority of his grants. Such problems as : how many knights each tenant-in-chief was to supply at the summons of the king ? how the tenant-in-chief raised them ? what was a " Knight's fee," and whether or not it formed the " economic " basis of raising a knight-at-arms ?—have not yet been properly solved. It is clear, however, that after accepting the responsibility of such military service, the tenants-in-chief passed it on to their tenants, and these in turn to their sub-tenants, until the whole feudal pyramid was bound into a military unit : the various lords able to summon armed followers to their side ; the over-

lords able to bring their agreed military levies to the aid of the king at his command. Time and place of service were never legally defined: as so much else in feudal life *custom* took the place of law. Generally, the time limit of service was for forty days in the year: and no question of the place of service seems to have been raised until after the loss of Normandy in John's reign.

Spiritual service, as its name implies, was given by religious corporations or ecclesiastical dignitaries for lands granted to them. Such tenure was called "Free Alms" or *Frankalmoign*. To pray for the souls of the dead donor and of his family, or the carrying out of charitable functions and endowments, were the common types of service demanded. This form of granting land became gravely abused, ending in the widespread scandal which roused Edward I's indignation and inspired the famous *Mortmain* Statute, 1279.

Serviential service was personal service. All officials either of the royal household or of the noble households had to be rewarded. Their grants of land were held on the sufficiency of their personal loyalty and capacity in office. They had no power to subinfeudate; and, as a feudal class, they were tragically at the mercy of their lords, who did not scruple to exact dues unfairly from them.

Free tenures were non-military tenures. In the first stages of the Norman system of Feudalism they were the holdings of the ordinary freeholders, described as "*liberi homines*" in Domesday: such men were, of course, all in a state of Commendation, and, having received back their holdings, held them on a *free* tenure. Later all such tenures were known as tenures in socage (see pp. 88–9). This type of tenure was burdened with varying and often crushing types of service. The commonest was personal service in working unpaid on the lord's demesne for certain stipulated periods, in the payment of certain rent, or, the offering of a "gift," etc.[1]

The Conqueror's system of Feudalism recognised all the Dues and Incidents which age-long Custom had formulated. Their strictest observance was demanded.

The presence of this system of *Incidents* gives a full human interest to a system of State organisation that generally appears

[1] See Essay No. V.

to be harsh and mechanical. Every time such a tribute or tax was levied some forces of human emotion were released : sorrow, vexation, resentment, joy in ambition, hope in a newly conditioned life—in the heart of the vassal who paid his *relief* or his *fine :* revenge, lust, cupidity, justice, goodwill, happiness surging in the breast of the overlord. How cruel of Fortune that the *Aid* to provide a dowry for the overlord's eldest daughter should be demanded in this year of bad harvest ! How could the great and noble feudum of X sustain the crushing Incident of *Primer Seisin* on the death of the late Count, rake and spendthrift ! With what poignancy would the sonless baron look upon his eldest daughter, too young for marriage, when the shadow of death began to encompass him ! The prospect of *Wardship* was never pleasant : the fact was most frequently sheer suffering. Or, in *Escheatment* or *Forfeiture*, what storms of futile rage would alternate with moods of apathy and despair ! Although *liberalitas* or charity became in the course of the Middle Ages the cardinal virtue, which all men no matter of what status should practise, generosity or expression of practical goodwill was comparatively rare in the economy of the Feudal System : there was no room for it : its resultant action would almost always have done evil as well as good. The organisation of feudal life was hard : its observances and duties made men hard and generally without mercy. To insist on the keeping of the " customs " was a truly civic act. If this civic duty were neglected owing to the human defect of sympathy, the organisation of society would assuredly fall to pieces ! In discharging the obligations of *Wardship*, the overlord had the right of choosing a husband for the lady. If she refused to marry the man she had to pay forfeit (or rather her estate had to pay it) to the overlord ! Merely in this one phase of feudal life, so common and so rigorously interpreted, the chances of tragedy were so numerous that only the cultivation of a callous indifference could have prevented social dissolution.

4. " The Old Order Changeth . . . "

Social structures can never be permanent. Being alive, they are inevitably subject to movement and to change. The caste system characteristic of Feudalism proved no exception.

Extraordinarily firm in its appearance, it weakened as time and human nature wrought their effects upon it. The same judgment applies to whatever systems of government and economy serve the needs of society. No system of government and no system of land-tenure appears more inflexible than the Feudal: yet the agencies of time and human nature bend them to their will until they are hardly recognisable. The Feudal State as designed and constructed by the Conqueror is remarkably different from the State of England as organised in the fourteenth and fifteenth centuries. Many problems had been created by the Conqueror's system: their slow but eventual solution so changed the whole character of his system that long before the Middle Ages close it was dissolving. England during this period was rapidly becoming a de-feudalised State.

The logical end of the Anglo-Norman type of Feudalism was the overthrow of Feudalism and the substitution of a strong centralised government, making in time for a national conception and organisation of the State. This happened in England. While seeking to use the feudal form of administration and control locally as a loyal and subordinate part of his system of government, William I. actually *opposed* the feudal form to the new form of centralised government. This opposition was the first of the problems this great king created. For the first century strife was common between the king and his feudal barons: the king won, but his success was never overwhelming. Henceforth through the heart of the Middle Ages and down the long years of their close, the contest for supreme authority was the high drama of English domestic politics. Centralised and constitutional government triumphed in the Edwardian and Lancastrian periods: later, feudal control was terribly re-asserted in the fifteenth century, only to perish miserably by its own reckless arrogance. In England the feudal form of government had outlived its use. The problem left by William had been solved by the constitutional movement, the centre of which was the King-in Parliament.

This vast but slow process of change can also be well illustrated by reference to Social Status and Land Tenure. These two facts are irrevocably bound together in any analysis of Feudalism. In the Conqueror's system they appear precise and absolute.

But they lose their rigidity when such difficult problems as *Inheritance* and *Putting land to its best possible use* and the *Commutation of Military Service for Money Payment* arise.

Human nature would necessarily play a powerful part in working out such important duties and aims in the life of Society. For example, the military compulsion underlying Feudalism strongly influenced the emergence and the ultimate acceptance of the principle of *Primogeniture :* kings, overlords, and lawyers all lent their support to it : it was a simple, if scarcely just, solution of a big difficulty—the safeguarding of the military strength and obligations of a feudatory. Slowly the principle became the rule, and later the legal duty. What, then, of the younger sons' heritage ? Thus, a grave problem arose and every successful effort to solve it was a disintegrating force . . .

The putting of the land to the best economic use involved the modification of feudal land tenures. The study of these tenures and their subsequent changes under economic pressure in the succeeding centuries is fascinating but exceedingly difficult. Certainly, so far as the economic needs were understood—and these force themselves on men's notice—to that extent the system of land tenure and the social structure built on it were altered in an amazing series of complications. For example, the " free " tenant in Domesday is for the most part the poor villein : in the fourteenth century " free " tenants include large landowners and employers of labour—a fact well illustrating the progressive or civilising forces at work in the Feudal System.

The introduction of *Scutage*—the commutation of military service for money payment—reacted on this question of free tenure. Scutage became a widespread custom. It has been described as the " deathblow to militant feudalism." If this is erroneous, the custom certainly resulted in the steady depreciation of Knight Service as a condition of holding land. If military service was not given for land, the nature of the tenure became changed to " free," and the free tenure was a " socage " tenure. Hence, " as the payment of scutage in lieu of military service encouraged the subdivision of military holdings, the number of military tenants increased, until, by the end of the twelfth century, they formed by far the larger portion of the

free tenants in the country." [1] Herein can be seen a rapid evolution taking place in the basic element of Feudalism—nature of land tenure.

More important, however, was the gradual emergence of the fact that " the nature of service due from every piece of land held came to be everything, and the actual status of the holder a matter of comparative indifference. It is scarcely possible to overrate the effect of this manner of regarding tenure of land in breaking up the social system of the Middle Ages. Great nobles thought it no degradation to hold land on socage tenure of mesne lords far below them in the social scale, or even to undertake the more precarious liabilities of the unfree villein holders . . ." [2] Commonly, by the fourteenth century, several kinds of tenure were held on the same piece of land. This position has been well illustrated in the following example: " . . . the lord of a tenant in villeinage might himself hold his land in free socage from the abbot of a monastery who held it in frankalmoign of a tenant by knight service of the Crown." [3] Thus the multiplication of landed interests soon reduced the simplicity of the Conqueror's land system to an amazing complexity which only lawyers could understand—and safeguard. Certainly by the fourteenth century most of the land holdings were free socage tenures and payments of various kinds were substituted for service.

In this substitution lay another element of powerful change. The villein class throve slowly to freedom, preferring to pay rather than to give other forms of servile service. The social and economic crises of the fourteenth century, the Black Death, The Statute of Labourers, the Peasants' Revolt, vividly illustrate this, but they are only chief phases of a continuous movement towards economic and social emancipation within the servile multitudes forming the base of the " feudal pyramid." This movement successful, the social revolution was in full swing.

Thus, the feudalised form of society as ordained by William I and based on a simple system of land tenure became an exceedingly complicated structure based on a complicated variety of land tenures.

[1] Medley, D. J.: *A Student's Manual o Constitutional History*, 35.
[2] Medley: *ibid.*, p. 37.
[3] Medley: *ibid.*, p. 36.

To analyse this movement fully demands specialist treatises. Enough has perhaps here been stated to show that the Feudal System in England during this period was not static, that it was capable of immense changes, and that in changing it transformed the social nature of life, allowing a higher degree of liberty and a finer chance of developing a fuller personality to most of its servants. In this tremendous cycle of evolution the civilisation known as Mediævalism was also created. The *Economic* basis of this type of life has been discussed in the Essay on the Manor, and the equally interesting, and highly important, phases of *Education*, *Art*, *Culture* and *Religion* have been reviewed in other Essays in this volume. But among the problems facing the student of Feudalism none is more important or more neglected than that of the contemporary conception and practice of *Morality*. It may be useful therefore in concluding this Essay to consider it.

5. The Conditions of Morality in the Middle Ages

In the Feudal Age both the Church and the State were clear in their conceptions concerning morality, their institutions were strongly founded on the " moral truths," and their officers were not lacking in zeal. Both possessed systems of Law: both possessed systems of Law Courts: and both did their best to enforce all men to respect and to obey their respective Codes of Ethics as formulated in positive law. The Church, entering on its greatest period of power, developed the twin ideal of a moral civic life for all and a higher moral training for all through religious practice which should fit their souls for Heaven. The State, developing sound notions of Right and Wrong in the matter of Justice, Possession of Property and Sanctity of Life, enacted Laws to gain these necessary moral ends. Theoretically, at least, the Moral End was accepted and conditioned for success in Mediæval Christendom, especially in England.

Why, then, is the general standard of life no better than that of other periods of civilised association, that of to-day, for example? Why do the mediæval kings set evil against good in the highest matters of State and in the publicity of their lives? Why does the Church, the higher it rises to political power and magnificence, fall to lower moral standards in its corporate

and its individual lives, ? Why do the Feudality generally expiate a life of arrogant immorality with testaments made in the favour of the Church ? Why do the humble folk and wealthy burghers tremble at the "warning" of Church or State, and yet pursue so far as possible individual modes of life modelled in their stupidity, brutality and coarse ambitions on the observed manners of the nobility ?

The general answer to all such questions—and such questions immediately arise when this period is studied as an "age of manners"—is easy to state : it is that all men, from king to swineherd, from Pope to monk, found life's *economic* demands hard to satisfy.

The Middle Ages were niggard in their material fruits to men ; often life was a perilous adventure between the horrors of semi-starvation and bad health. The sense of *need* was born in all, and in all it was stimulated as the responsibilities of life increased with age. Thus, the terrible and continuous series of financial and economic demands of this period from all classes to all classes—a startling feature of the times—can be better understood : the incessant demands of the Church in all phases of its life, the incessant demands of the king in all phases of his public and private character, the incessant demands of the nobility and of every subordinate class down to the miserable *servi* in the organisation of society : the extremities to which cities and towns were ready to go in order to *purchase* a charter of liberties : the prevalence of piracy on land and sea : the ruthlessness of the criminal and forest laws : the amazing system of fines and material *pœnæ* : the equally amazing readiness of any class, royal, ecclesiastical, noble, burgess or peasant, to increase their possessions, especially as regards land, at the expense of others.

Foreign wars, civil wars, local factions and individual brawls were all largely caused by this stern need of securing a better form of economic immunity. And the age is an agony of such affairs, from the days of the Conquest and the barbarous ravaging of the North and other parts of England on to the times of the plague of Church locusts which ate up the land in the thirteenth century, on to the days of famine and the Peasants' Revolt, and yet further on to the suicidal and starvation period of the Wars of the Roses ! Generally, there

was enough to eat and enough to clothe the shame of nakedness : but there was never enough of good food and good raiment except, perhaps, for the highest in the land. The dread of pestilence and famine, caused either by the devastations and losses of war or by epidemics, was never far distant. Life was insecure in its basic need—physical sustenance.

This presentation of mediæval life is at variance with the picture of "Merrie England"—the picture so commonly sketched in histories of the period. It is at once suggested that the marvellous wealth of building, ecclesiastical and lay, Monasteries, Cathedrals, Castles, Market and Town Halls, contradicts its assertions. The truth, however, is reinforced by these examples of *un*economy. Such a wealth of building—artistically glorious in survival as it is—proved to be far too grave a strain on the resources of the times : it ate up the reserves and even the essentials of financial security : it reduced all to a lower level of life than desired and produced in all pronounced tendencies to rapacity. Further proof of this is found in the time taken to build these structures : hundreds of years. No one period was rich enough to build an ambitious design completely : the constant drain of all forms of exaction within the feudal scheme of life left all too little for these luxurious buildings, but this in turn went for this purpose ; hence, a small addition only could be made to the marvellous edifice ; though small, it took the last mite.

If, therefore, economic need was the dominant feature of civic life in the mediæval period, if an innumerable and constant series of unavoidable and ruthless demands were made on all men, it cannot be surprising that the morality of the age was in practice far from realising the theory of the ethical system of either Church or State. The harder type of life, the prevalence of vices, the tendency towards brutality, the lack of manners, must be expected. The Feudal Age was indeed an iron age, in which the ideals of conduct were remote from actual life. Ignorance and superstition prevented the common people from sharing even mentally such ideals : while the stern necessity of economic struggle to live effectively clouded these ideals in the mind and conscience of the higher classes, even of famous ecclesiastics. The saints were rare, as is proven by the Church Calendar. The sinners were many, as is proven by the records

of Church and Lay Courts—even if the diatribes and "satires" of the discontented laymen or monks be ignored.

The progress of civilisation depends on an increasing measure of prosperity. That England progressed in both between Henry II and the Lancastrian kingship cannot be denied. The better ordering of England, the subjugation of militant feudality, the rise of constitutional government, the curbing of the Church's avarice, the rise and growth of towns, the foreign wars which stimulated trade, the attempts at scientific estate management and farming under the leadership of the monasteries—all resulted in developing the economic content of England, and, to its measure, reacted in fostering improvements in manners, domestic and social customs, refining fashions and civic ceremonies, increasing personal self-respect, prompting moral and intellectual ambitions, and permitting the spirit of the age to cast off the dark mantle of superstition for the alluring dress of learning. The degree of civilisation in Richard II's reign is far higher than that enjoyed or possible in that of Stephen or of Henry II. The Peasants' Revolt, fundamentally economic in its causes, is intensely significant of an intellectual awakening of the lower classes. Times had changed. Modes and manners of life had changed. The prosperity of the famous Edwardian period had wrought these mighty works. *But had morality changed?* Were men better than before? Was the age now as rough and as callous as before? It is here that the paradox of the Middle Ages is best seen—namely the *Chivalrous Barbarism* of the period which is its highest moral manifestation.

6. Chivalry

Chivalry is a beautiful word, expressing a complex of noble aspirations. It conjures up a vision of King Arthur as presented in the *Idylls of the King:* it recalls instantly the spiritual symbols of the Holy Grail and the pattern Christian Knights of the Arthurian Order. It stimulates our pride in manhood at its best. It generates an admiration of Christian discipline. It offers to all an ideal which must be accounted one of the best possible in human conduct in the stern trials of life.

Although the mediæval period cannot claim a monopoly of

this type of manhood, yet it is customary to associate with that period the best expressions of the Order of Chivalry. The reason for this is not apparent unless it be that the age engendered the ideal, developed it, graced it with noble conceptions, and occasionally embodied it in an extraordinary man. The truth is that the ideal was much too high for even the best type of society in this period and always remained (except in isolated instances) aloof in its spiritual austerity from the customary life of the time. The "pattern Christian knights" of the Middle Ages, even after the ideal of Chivalry was widely known, were unable to be consistent in their lives, and as often as they showed the magnificent ideal in action just so often did they abase it and themselves by acts of barbarian wickedness. The conduct of the Black Prince at Limoges is the hackneyed example: but even a superficial reading of Mediæval history will surround this prince with an innumerable host of fellow butchers.[1] The fourteenth and fifteenth centuries saw the moral and spiritual sublimation of the ideal of Chivalry; all the "gentle world" were deliberately trained in its conceptions and its practices; such training was part of the accepted form of education; yet what terrible and tragic times those centuries were both for Christendom and for England! Strange to reflect that Richard II and his uncles were trained as the model of chivalrous knights! Strange to associate the callous Bolingbroke with such an ideal! Stranger perhaps to allow Henry V to be so trained, and strangest of all to see such training end in the wholesale slaughter of the trained and in the ruinous devastations of England during the prolonged demon-ridden period of the Wars of the Roses! How far is the paradox of Chivalrous Barbarism exposed in the undoubted fact that Chivalry destroyed both itself and mediæval England in those satanic struggles?

If the general practice of morality was so mean, how can the rise of the Chivalry Ideal be accounted for? What was the ideal? Who conceived it? When did it manifest itself to draw all men's eyes, if not their hearts?

Chivalry was a code of conduct expected of the Christian

[1] By the "Nine Virtues of Chivalry" the slaying of a prisoner or killing in cold blood were forbidden! *To be merciful to all* was also one of the nine!

The Nave, Wells Cathedral.

Feudal Noble.[1] As a system of rules for life based on certain moral principles it was accepted by Feudality; and in this acceptance it created the Order of Chivalry, *i.e.*, the social system of Christian Knighthood. Its principles were a full membership of the Church, with the obligations of defending the Church and acting always as a Knight of God. The admission of the fundamental Christian virtues of Purity and Charity—Charity finding expression in the customary duty of Liberality—Purity finding its best expression in a self-controlled life, and especially in the worship of the Virgin Mary and of a reverent attitude to all women. Allied to this principle was the notion of Courtesy, an elaborate system of graceful manners and deportment, especially in the presence of women. Next, that Right and Wrong should be insisted on in a Christian Society, the unfailing support of Right and the unflinching combat with Wrong whenever and wherever seen.[2]

Based on these principles, a mode of life was easily systematised, by and in which all the usual duties and encounters of life were ordered by moral precept and illuminating example of "noble conduct." As an ideal it was without doubt one of the finest flowers of Christian mediæval life and mysticism.

Who created it? None can say. It had no observable or definite origin. Like all such social phenomena, it grew from small beginnings until it was large enough to attract attention: then it was consciously "taken in hand," developed and organised into a full system. The three most potent causes of its rise were (i) The Class Consciousness and Divisions within the Feudal System of Society: (ii) The Crusades—especially the device of "taking the cross," which served to marshal Knights into an Order of the Knights of God: (iii) The Church, which actively interested itself in fostering an institution based apparently on Christian morality and holding within itself the possibility of a fine ideal of social and Christian manhood.

All three agencies played powerful parts in assisting its progress. Yet, on analysis, the chief agency was clearly that

[1] It is summarised in the famous "Nine Virtues of Chivalry," to which every knight was bound to subscribe.

[2] "That high moral code . . . was undoubtedly in a great measure based on Christian teaching, but was probably more operative on the knightly mind through its presentment in the form of *noblesse oblige*." Barnard: *Companion to English History of the Middle Ages*, p. 149.

of the Church. Aware of the comparatively low standard of current morality and alive to its responsibilities in this important matter, the Church energetically strove to bring this social development within the influence of the Christian religion and make it in its fullness a Christian institution. Its success can be best appreciated from the religious ceremonies—quaint but beautiful and exacting—of the initiation into the Order of Chivalry.

Modern criticism of the movement would not fail to note that Chivalry was in itself fully indicative of a reaction from the licence and barbarity of earlier modes of social life and manners : that the Church, by its prompt approval of the movement and its clever exploitation of its spiritual possibilities, bravely availed itself of an unique opportunity of making amends for past failures. That the movement failed in its higher aims of purging society of immorality and elevating the general tone of Christian life is not to be accounted as a failure of the Church alone. Other causes than ecclesiastical impotence were prevalent, making for tragedy—such as the economic hardness of life to which reference has been made, the inability of the contemporary society to maintain the financial load and fine parade of the Chivalrous Order itself except at the expense of other necessities, and especially at the expense of the welfare of the lower orders of the people, the political corruption and inept statesmanship of the period, and above all, perhaps, the " old Adam " in every unit of the Order. To these causes must perhaps be added the fact that the Crusades were finished—and their failure tended to cast a gloom over Christendom and the higher order of society primarily responsible for the security of Christendom. In short, so difficult were the conditions of life in this period that ideals of mystical or spiritual content could not be realised except possibly in the comparative security and meditative life of monastic orders.

Chivalry therefore failed : it could never have succeeded. It failed not because its Christian principles were wrong or even weak, but because they were impracticable in the then state of Christian civilisation. This point is well illustrated from what has been said concerning the general economic and political conditions of life ; but two other facts or general conditions of

life must also be noted in their active opposition against these principles. The first is the conception of conducting war. Butchery and savagery sum up this conception. To kill without mercy, and then to ravage and loot without compunction, appear to have been the accepted ideas of military commanders, and were without doubt the ideas of their followers. To play the Knight of God in such circumstances was impossible. Against the Infidels and very far from home the Knight might have salved his conscience; but when such conditions of warfare were general in wars between Christian peoples and even in civil warfare, then the poor conscience had nothing to cover its shame—if any lively consciousness was left to it in this intimate and spiritual matter of Knighthood's ideals. The second point is as important and even more interesting in its instruction. It is that the Order of Chivalry was a Class Order and extremely sensitive in its feelings and notions of social exclusiveness. The knightly virtues were exercised and exercisable only within the very restricted circle of the Noble Class.[1] Very rarely indeed were they exercised either in mercy or in active help to the numerous classes of society beneath. The base of the Order was therefore too narrow for its safety within a Christian State. Brave, cultured, and impeccable though Knights may have been, they could not prevent jealousy, suspicion and kindred evils from inflaming the hearts of their inferiors. As a matter of fact, this Class-Spirit animating Chivalry was directly in opposition to Christian morality, and was, generally speaking, in active and brutal opposition to all inferiors in that it had to maintain by force, legal or martial, its "rights" as against the common people, who were compelled to bear the financial burdens entailed by supporting so fine, so brave, so noble, but so expensive an aristocracy of virtue.

The failure of Chivalry as a system of applied morals must not hide from the student its other features of social value. That it aided the progress of civilisation, of manners, of culture, of scholarship, and had a pronounced influence on the forces making for the Renaissance cannot be denied. Its legacy of an ideal of conduct for the gentleman, Tudor, Stuart or Modern,

[1] This is best illustrated by *The Court of Chivalry*. It had power of "solemn disgradation" from knighthood, but only half a dozen instances of degradation as "an infamous, errant knave" are known!

was of inestimable value. That its very failure in its own days made the Church more conscious of its shortcomings can and has been argued. But, chiefly of interest to the modern mind, is the question : how far did it react on the life of all the inferior classes within the State, and was its reaction good or bad ? While its vicious practice reacted for evil, as above noted, its idealism remained to stimulate the hearts and minds of the lowly to higher conceptions of duty and Christian conduct. To loathe a Knight was not to cease emulating him. Hence, it is a question of balance. Did the practical mischief of the Class Spirit in Chivalry blur the ideal in the vision of the lowly, or make it impossible for such men to model their lives secretly on the fine pattern ? The state of common life and morality in the fifteenth century and in the Tudor period does not allow optimistic conclusions : it was low, mean, sordid, cruel and avaricious—a visible complex of the vices. All the same, the legacy of the ideal is to-day a common possession, and the poor man of character can vie with the man of substance in the exposition of its virtues. An ideal which can live in this remarkable way could not have been without definite influence for good, even if unremarked and undiscoverable, in those distant and unlovely periods.

At its best the Code of Chivalry represents the finest product of the militant culture and civilisation of the Middle Ages : at its worst it justifies repression of inferiors, massacre of enemies, economic and legal injustice. It is therefore a paradox of morality within which the highest and the lowest levels of social life in the later Middle Ages are contained. To praise or to condemn it utterly is wrong : it must be accepted as the product of a curiously Christian, curiously barbarous period, which defies full logical analysis.

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

Feudalism :

Carlyle, R. W. : *A History of Mediæval Political Theory in the West*, Vol. III. (Blackwood.)
Maitland, F. W. : *The Constitutional History of England.* (C.U.P.)
Maitland, F. W. : *Domesday Book and Beyond*, Essay III. (C.U.P.)
Medley, D. J. : *A Student's Manual of English Constitutional History.* (Blackwell.)

VINOGRADOFF, SIR P. : Articles in *The Cambridge Medieval History*, Vol. II, Chapter 20 ; Vol. III, Chapter 18 ; *cf.* Vol. V, Chapters 15, 16. (C.U.P.)

MORALITY AND CHIVALRY :

BARNARD, F. P. : *Mediæval England.* (Clarendon Press.)
CHADWICK, D. : *Social Life in the Days of Piers Plowman.* (C.U.P.)
HUIZINGA, J. : *The Waning of the Middle Ages.* (Arnold.)
JARRETT, DOM BEDE : *Social Theories of the Middle Ages.* (Benn.)

ESSAY VII

THE CONSTITUTIONAL MOVEMENT

1. The Nature of Constitutional History

It is commonly supposed that every separate people has a traditional aptitude, developing at times into genius. In the conduct of naval and commercial affairs the English show an undoubted traditional genius : but it is perhaps in their sober political sense and its sterling achievements that the characteristic national genius of the English is best revealed. The Middle Ages bear almost conclusive witness to this judgment. Parliament was then conceived and organised, and Parliament stands midway between the two long processes of constitutional growth, the one beginning in early times and ending in Parliament itself, the other beginning with Parliament and ending with the extraordinarily complex and efficient mode of government existing to-day. The rise of Parliament, its organisation and development, is the dominating interest in the English government of the Middle Ages. Its influence was powerful to affect every domain of public life in England ; and abroad, *e.g.* in France and Spain, it did not fail to stimulate political form and thought.

Constitutional history is essential for the right understanding of a nation's life. It studies the government of the nation, and especially the " Institutions of Government," *i.e.*, the various bodies, committees, councils, offices and corporations which are from time to time established to carry on the work of government : it studies the thought and policy lying behind and within these " forms " : and, particularly, it studies the origins and growth of these " forms," their changes institutional and functional, and *why* they are needed and accepted.

To rule wisely is one of the supreme works of socialised mankind. Its obstinate difficulty accounts for its rarity in the records of man. *Monarchy*, the rule of the one, is the common form of government, but too often a failure. *Aristocracy*, the

rule of the few (and the best), is a form frequently found in the annals of the world, but disastrous dissolution following a worthy first period as frequently attends it. *Democracy*, the rule of the many, the nation ruling itself, is clearly the most difficult of all forms of government. Most peoples have aspired to govern themselves. This form, Democracy, is therefore to be expected in the life of "advanced" nations from the far-off days when the Greeks proved the theory in practice until the Treaty of Versailles (1919), which accepted and endorsed this fundamental political idea. Even in Democracy, however, there is of necessity a group of rulers.

Rulers and ruled, two classes which ought to be in harmony and very seldom are, are thus to be met with in all forms of government. This division of classes, with the usually resultant division of interests, constitutes the chief problem in the difficult science of good government. The solution is such government as will ensure unity of national interests, the elimination of internal antagonisms, the ready obedience of the ruled to governing policies openly pursued. Such solution is unhappily so infrequent that only spiritual optimism can urge men to win it for themselves again.

Holding this view, students learn the value of constitutional history: the fittingness and the unsuitability, the strengths and the weaknesses of the many "Institutions of Government" are in and by it all exposed: its lessons of the past are abundant in their aid for future and even present statesmanship: and the mentality of a people, so important a factor for the consideration of rulers, is unerringly defined by either their servile acquiescence in oppressive government or their age-long struggle for political and personal freedom.

Liberty and *Freedom* are popularly and rightly thought to be political characteristics of the English. The terms summarise grandiloquently the constitutional life of England; they express the ambition of the English political genius; they are rights of citizenship, consciously understood and resolutely fought for during many centuries of stern constitutional struggle. Modern English Democracy claims them fully, but such possession is in large part the generous legacy of the Middle Ages, when the English people throve to political manhood and created institutions of government, which, in their logical conception

and later development, embodied adequate measures of political liberty and personal freedom. Students cannot be too strongly advised to reflect long and carefully on these two terms, their connotation, and their application to the problems of organised social life.

Continuity is definite in English constitutional history. Emerging from the Anglo-Saxon Monarchies, the Monarchies (Despotisms) of the Normans and Plantagenets rise to power: the Monarchical-Aristocracies of the thirteenth century follow: and from them develops by the end of the fourteenth century the Monarchical-Aristocratic-Democracy of Mediæval England. Curious yet explanative terms! They at least show the remarkable truth that in England the government changed from a "King" into the form of a "King-in-a-Council-of-the-Great," and again into the form of "King-in-Council-in-Parliament." In technical language, first Monarchy, then Monarchy with Witanagemot (later, *Commune Concilium*), then Monarchy with *Commune Concilium* (*House of Lords*) and Parliament. As early as 1420 this development was completed. In the history of constitutional forms it is unique, and it has always been a justifiable pride of the English. In theory, at least, by this comparatively early date the political genius of the English had solved the baffling problem of good government. The theory was Democracy, and the necessary institutions for Democracy had been created.

Another feature as definite as that of continuity in English constitutional life is the paucity of documentary or written forms of constitution. Most constitutions are formal and therefore legally inflexible. The English constitution, owing to its strange development, is so free from formal enactment that it is even now legally flexible, *i.e.*, it can be changed, if necessary, to meet unforeseen needs in government. The English constitution has grown simply in response to political stimulation: when need existed to change it to meet unforeseen demands, a strong common sense in governing values commanded amendment or reorganisation: and this continuous application of political commonsense produced a system of government, which, despite all its experimentation, its changed forms and lack of

formal dress, was so sound in principles and institutional forms that it ranks truly as one of the wonders of the Middle Ages and is zealously guarded by modern Englishmen as one of their imperishable legacies.

2. Basic Principles of English Constitutionalism

The king is beneath the law, *i.e.*, the person of the monarch in the last resource is subject to judgments based on the law of State. That this principle is basic in English constitutional life is indisputable. There is at least the tradition that the Anglo-Saxon Witan deposed kings, and as late as the seventeenth century Charles I fought his Parliament on the issue and was terribly defeated. It is not too much to say that on this constitutional principle, latent or exposed, the whole theory of English Constitutional Monarchy ultimately rests.

The question, at this early stage of enquiry, is: how far was this admitted principle inherent in the constitutional life of Anglo-Saxon England, Norman England, and the Mediæval England of the Plantagenets and Lancastrians? If it existed, was it known or unknown, latent or exposed? How far did it influence constitutional growth and development towards conscious ideals?

The student will find herein a pretty problem to solve. There is as yet no final answer. In Anglo-Saxon times it is fairly clear that monarchy was as strong as the personality of the king made it: the king was "*fons et origo iustitiæ*": he not only created law but the prerogatives of Mercy and Final Judgment were doubtless his: in him the lawgiver, the judge and the warrior were united in one dominating person. How far then was he himself subject to law? Was Penda, or Alfred or even Ethelred the Unready *governed* in the last degree by the law and custom of the State? Probably not, but this view should be compared with the statement above concerning the traditional right of the Witan and the statement further on in this Essay on the question of the Witan's authority.[1] The Danish kings were as certainly "above the law." The Norman despotism? Could this principle have lived within its tyranny? The murder of William II and the rebellions of Stephen's

[1] See p. 104.

reign suggest that it could and did : the *Magnum Concilium* or the feudal baronage was at least strong enough to insist on the feudal principle that the Overlord must be faithful to his obligations. In the later mediæval period many events testify to the growth of this principle until it was known, accepted and enforced : Magna Carta and the various constitutional crises involving either the threat of deposing a king or the actual act of deposition offer evidence of this.

This principle that law must reign, and that if necessary the king himself must be under the law, can probably be found in rudimentary form in the political conceptions of the Teutonic tribes which invaded post-Roman England. It can also be found in the conceptions of Overlordship in the Feudal System, both Anglo-Saxon and Norman. These two tendencies combine in English political life owing to the accidents of history, and become strong enough as a single idea to influence the whole of English constitutional practice. Unless this principle is admitted as an existing, a conscious (although never defined legally) and a working principle, it is difficult to understand the peculiar and powerful development of English mediæval monarchy on " national " or " constitutional " lines.

Another aspect of this constitutional question must be noted. This is the nature of the Witanagemot or the Council of the Wise and its relationship to the Monarchy. Were the Anglo-Saxon kings absolute in their power, or were they restricted by the authority of the Witan, an institution as old as Monarchy itself ? Students should note that modern scholarship has keenly contested the traditional view of the Witan's authority. This view can be summarised as follows : the Witan possessed powers of far-reaching influence. It elected the king. It could even depose the king. It could declare war, assent to treaties, levy taxes, nominate the chief officers of the State, and legislate. It was the highest Court of Appeal. It met thrice a year at the great Christian Feasts. It was a National Council, but not representative by way of election, for the king had the sole right (prerogative) of summoning its members to Council. Assembled, however, it *represented* the nation in no mean fashion and laboured with the king or against him on its behalf. Opposed to this traditional view is the conclusion of modern

scholarship that there is no sound evidence to show that the Witan possessed these rights or exercised these high State functions. It is now practically certain that the Witan had no right to be summoned, and that it was not the king's duty to summon it: further, its governing duties were strictly limited to assisting the king in the execution of his orders and the offering of advice. It had a very small share in the election of the king, though its influence probably proved a deciding factor in cases of dispute, and it probably officially recognised the king on behalf of the people.[1]

Whichever of these views the student finally accepts after fully considering the question, a necessary preliminary to the study of English constitutional history is to have a clear conception of these two highest institutions of Anglo-Saxon government—the Monarchy and the Witanagemot, and of their respective powers for united action or grave disagreement. The Witan existed: the most powerful men of the State sat in its assemblies. It is perhaps reasonable to argue that they would resent capricious rule or sheer tyranny. If it were possible for the Witan to check the king, the conception of "*rex politicus*" would have been assisted to develop, and a sure foundation laid for the constitutional monarchy of mediæval England.

During the Normanisation of England the Anglo-Saxon Witan was transformed into the *Magnum* or *Commune Concilium*. Its constitution and its continuity with the Witan are problems still unsolved by experts, but it is agreed that the king summoned whom he willed to its tri-annual meetings and that most of the councillors were Tenants-in-Chief or the greatest feudatories. As to its authority, while it is true that "the Norman kings were far too powerful to be hampered by theories of government . . . yet William I and Henry I both act 'communi consilio baronum'; the entire absence of any record of discussion justifies us in regarding the expression as a

[1] There is only one certain instance of an electoral *vote* having been taken, that of Edward the Martyr in 974. There is no proof that the Witan deposed the King of its own accord (cf. the case of Alchred in 774, and that of Sigebert in 775, where the West Saxon Witan was apparently powerless to depose the latter without the help of Cynewulf). Nor did it nominate the chief officers of State, for in 59 appointments the King made 17 of them on his own responsibility and the Witan is mentioned in 3 only. In the cases of election of Ealdormen, the Witan is mentioned in 4 cases out of 11.

mere form. But the time came when *commune consilium* . . . came not to be the advice given in common, but the assembly which gave it." [1]

Election and Representation.—This basic principle demands close attention. The idea and fact of Election, though prior to the idea and fact of Representation, became in short time an inseparable unity with the latter and resulted in the single principle. The elected were representatives: election was a choice exercised publicly: and such an exercise meant possession of political right amounting to a definite form of freedom. This right became traditional in English politics. In the dim days of the Anglo-Saxon period it is seen working in local administration. During the Middle Ages it is recognised as a potent instrument for "national" government, and is seen in administrative and constitutional experiment and procedure.[2] Its value is that it works *upwards*, *i.e.*, it is a right exercisable by the many, and in its judicious exercise the many are playing their humble part in building up the constitution from *below*—a truly democratic practice.

The Granting of "Liberties" by the Monarch.—This is another vital principle of English constitutionalism. In the Crown there was always resident power to grant away rights and privileges of either immense or small value.[3] The importance of this principle is that it works from *above*, *i.e.*, it proceeds from the final source of all government, the Crown. These rights or privileges, once granted, became exercisable constitutionally and were exceedingly difficult to recall. Such acts on the part of the king gradually became more numerous during the Middle Ages. Stern necessity, either political or economic, generally forced the king to make such grants: their value was therefore easily assessed as factors of power: any attempt to recall them was regarded as reaction and often resulted in armed struggles between subjects and monarch.

Within the Norman despotism these two principles, (i) Elec-

[1] Medley: *ibid.*, p. 122–3.

[2] Although the "right" to attend Parliament was first viewed as a burdensome duty, the "right" itself was jealously held and would never have been given up.

[3] It should be noted that there is a powerful school of political thought which says all rights belonged to the people and that the sovereign had derived all despotic power from them. The student should try to test this conclusion by applying it to, say, the Feudal System of government.

tion and Representation, (ii) the royal granting of "Liberties," are found. These kings fostered "every remnant of local independence among the English as a check on the rebellious and tyrannical feudatories." [1] The Shire Moots, Burgmotes and Hundred Courts were revived and assisted to function well; this stimulated the idea of Election. In such remarkable procedures as the Domesday Survey and the strengthening and modification of the judicial and administrative systems by Henry I the twin ideas of Election and Representation are openly accepted and used.[2] Although in its highest stages the Norman mode of government was rapidly assimilated to the feudal type, and in its lower and local spheres was characterised by the feudal Manorial Courts, it is noteworthy that the "national institutions of the English" were encouraged to grow to new strength and efficiency and that the civic right of election and representation exercised in them was acknowledged as beneficent by the kings. Moreover, this right and its idea were also directly developed by the Feudal System itself. Feudalism was an organised form of society in which responsibilities were severely graded. The lord was practically the representative of all his vassals; and at every stage in the pyramidal form of feudal society such representation, to its respective degree of authority, undoubtedly existed. Election did not exist in the *feudal* scheme of government. Nomination or legal succession made election impossible. Yet the enormous amount of representative work done as a matter of course and practical necessity within the Feudal System could not have failed to react for good on the visible practices of election and representation in the older and surviving forms of English government.

Henry I, immediately after his accession, issued a *Charter of Liberties*. His right to the throne was doubtful. The Charter was a judicious stroke of regal business: its aim was to propitiate all classes. To the Church, to his Vassals, and to the Nation, he pledged his kingly word to right wrongs and respect

[1] Stubbs: *Select Charters*, p. 80.

[2] To make the Domesday Survey William sent Commissioners into every shire, who summoned before them the reeve, the parish priest, and six villeins from each manor. These "witnesses" were examined on oath. The procedure was clearly based on the elective and representative principles.

the laws of the old English kings. He expressly recognised "the ancient and lawful freedom of the nation" and admitted certain limitations to royal power. He also promised to restore "ancient customs." This document was of the utmost value constitutionally: nor did its value diminish, despite various re-issues by its author and by his consistent evasion of its provisions: rather did it increase in value, for it proved to be a legal precedent which the nation assessed highly, a bond which the nation required to be honoured. Every evasion made its provisions better known, more intelligently discussed, and engendered a firmer resolution to hold the king to his troth. Moreover, the issue of a *royal Charter* became a lively expectation at every new accession. The practice became common and led to that extraordinary crisis in English national development—*Magna Carta*.

In the Norman period, therefore, the stage was cleared for the great drama of the mediæval struggle for constitutional government. The potent agencies of Election and Representation and Royal Charter appeared to play their parts. Such institutions as Monarchy, Commune Concilium (Witan), Feudal and National local Courts, reorganised systems of higher and lower administration, the basic conception of Law and Custom which shall prevail even against the king—all were dynamic in their tendency to more complex development. Such development, its actions and counter-actions, its great good and its deep evil, is the "life and substance" of the drama.

3. The Reforms of Henry II. Magna Carta

Constitutional tendencies rather than facts appear during the Norman rule in England: constitutional facts rather than tendencies characterise the next period—the early Angevin or Plantagenet period—from Henry II (1154) to Magna Carta (John, 1215).

This short period was constructive or formative. Henry II and his legal advisers were constitution-builders. On the principles existing they built with steady strength and wise design. The ministers of the truant king, Richard I, continued the work. The result was a constitution and a system of administration which was to stand the test of future civic storms and waves of anarchy.

Henry II, rugged, fearless and unusually shrewd, aimed at despotism, and succeeded in being not so much a despot as a true national monarch. The problems emerging from the disastrous close of Stephen's lawless reign were clearly seen and firmly solved. Henry's policy was the Norman policy: alliance with the people, and, if possible, with the Church against the feudatories: the subjection of the Feudal System and its lords to himself. His fierce and successful warfare against Stephen's enemies and the comparative political quiet which ensued in England gave him the opportunity of developing the Norman systems of local and central government. His acceptance of the Norman policy of centralisation was wise: this policy alone promised successful kingship in a Feudal System of society which was still wont to see in the king "an equal among equals."

The "centralising" bonds between the two systems were more theoretical than actual under the Normans: under Stephen they almost disappeared. Henry II restored and strengthened them by judicious reorganisation. The *Sheriff* was the "key" office. Its power and duties were more closely ordered. The Shire Courts had to function efficiently. The Sheriffs themselves had to justify their office by loyalty and successful service or suffer dismissal, as is brightly revealed in the Inquest of Sheriffs (1170), a remarkable act of rule by even a strong king. The Sheriffs were "King's Men," who ruled the shires through the Shire Courts for the King. They were indispensable links in the centralised system.

The Itinerant Justices.—It is thought that these were established by Henry I. These royal officers visited the Shire Courts to supervise the work of the Sheriffs. Henry II re-established or reformed the system: in 1176 (Assize of Northampton) England was divided into six circuits for this purpose and three Justices were to travel each. This reform was a culmination of steady restoration. It is significant that ten years earlier, in the Assize of Clarendon, it was decreed that these officers could enter and sit in Baronial Courts—a royal invasion of feudal jurisdiction, an invasion necessary to weaken feudalism, but hardly successfully attempted at this stage.

Obviously, the centralising policy of the Norman-Plantagenet kings depended largely for its success on the loyalty and ability of these two classes of servants, Sheriffs and Itinerant Judges.

The Jury System.—Henry II devised new legal procedures: he set up new courts of law: he swiftly saw the value of the old principle of "a neighbour's evidence" and extended the systems of procedure based on it into the first true Jury system. Herein the principle of choosing juries developed the principle of representation. Hence, this use of the "iniquisition" for judicial purposes—and, making for surer justice, its use was quick to spread—is among the most important of Henry's constructive works constitutionally.

The Jury was set up in both Civil and Criminal Cases. A patient study of these reforms and the other legal and administrative changes made by Henry II must not be neglected.

Constitutionally, the importance of Henry II's rule is now exposed. It lies in his acceptance of the Norman plan of centralised government, his strong reorganisation of the Central and the Local Administrations, and above all in his binding the two together by an efficient service of Sheriffs and Itinerant Judges. The value of the Jury System is not seen so easily: it was, however, possibly greater than either of the previous two forces in winning for the king his object, a firmer rule of his kingdom and the alliance of his people against the feudal barons. The Jury System of "Iniquisition" or "Recognition" was an efficient machine of justice. It made Royal Justice popular: it revealed Feudal Justice as "rough and ready" and as "might is right." Hence the Jury System, protected by a strong king, was a most powerful agency of royal influence and rule by law.

More important than these strictly constitutional processes were Henry's failures to subjugate the Church and to coerce his baronage. Both failures had grave constitutional results. (i) The victory of the Church made despotism or true sovereignty impossible: either the Church must be an ally—on its own terms—of the king or it would oppose him subtly or openly. As the governors of the Church were for the most part tenants-in-chief, this adversely affected the royal anti-feudal policy. (ii) Henry's final rally against Louis VII and his own rebellious sons and nobles allowed him to die honourably victorious; his anti-feudal policy was, however, a failure. So full was his kingship that he suffered the fate of other great rulers of men—such as Charles V of Germany—in that he had no real opportunity of

giving the nobility the chastisement they sought and which he was well able to give had circumstances of government been propitious. His failure, however, was the nation's gain. Always a "foreigner" in the eyes of the Norman-English feudality, his anti-feudal policies and government reforms were shrewdly judged by his barons. A baronial counter-policy was slowly formulated. Blind and savage resistance to oppression *had been* their order of the day, and was still to characterise some of their future revolts. But the barons *now* began to form themselves into a party with a policy: the policy was based on the recognition of a national kingship *which had obligations to the feudal baronial party as representative of the nation.* In short, the barons began to think of holding the king to his feudal bargains with them, and of resisting anti-feudal policies not for their own individual sake so much as for the sake of feudal society or the nation. To use a modern phrase, an "Official Opposition" to the Government is seen in these iron times dimly emerging from political circumstances and taking appreciable shape: and the chief characteristic of this movement was its nationalism, scarcely conscious and hardly articulate as yet, but strangely correct in direction.

It is generally agreed that the first Angevin king, in his acceptance of Norman statecraft and his strengthening of Anglo-Norman institutions, built truly the foundations of the English Constitution. His successors could build, if they would, more quickly and confidently. The base was sure; the design was undetailed, but clear in its main principles and projections; more important, perhaps, the "national" spirit had been stirred to life.

The period between Henry II's death and Magna Carta (1189–1215) is often referred to as a "transitional period," *i.e.*, a time intervening between two critical and formative periods in constitutional development. The term is misleading if it implies that the constitution was not developed during its course. The constitution, being a vital thing, had to grow or wither: it grew and was instructed in its growth by such able governors (Justiciars) as William Longchamp (1190–1191),[1]

[1] Although Longchamp was dismissed in 1191 for unjust taxation, it is generally conceded that he was an "able governor" in this sense of the word.

Walter of Coutances (1191–1193), Hubert Walter (1193–1198) and Geoffrey FitzPeter (1198–1199). These men understood the plan: they built to it. Strong in their statecraft, they took the fullest advantage of the absent Richard, the absent baronage, and even the present intriguing Prince John, in making Henry's constitutional policy stern actuality. Their work was quiet, efficient, loyal and successful. The best evidence of this is not to be found in the minutiæ of administrative details or even in the modification of prominent institutions, *e.g.* Walter's employment of juries in each county to assess taxation, a practice which clearly stimulated the idea of self-government, but in the successful appeal of the nation against John the tyrant in 1215.

Magna Carta has often been eulogised. Hallam called it "the keystone of English liberties." Stubbs claims that the constitutional history of England is "a commentary on this charter." The term "palladium" is frequently met as summarising its value for the nation. Modern criticism, finding inspiration in the scholarly investigations of Maitland and especially of McKechnie, has largely discounted these fulsome appreciations. It is now agreed generally (but not unanimously) that Magna Carta was essentially a feudal document in form and content, that it mainly re-asserted feudal rights as against royal rights, that it was a *reactionary* document and legalised a "set-back" to Norman-Angevin constitutional policy and work. All the same, Magna Carta was of first-rate value: although "based on feudal considerations" and wrested from John by a reactionary baronage, "its real importance lay in the fact that it was the outcome of the first national movement in English history." [1] The truth is, as stated by Stubbs, that "neither John's tyranny nor its overthrow could have taken the form they took without the reforms of Henry II." [2]

What were the forces making for this crisis in constitutional history?

(i) John's tyranny and general failure to maintain either his own dignity or the national prestige.

(ii) John's alienation of the Church in England by his rapacity and injustice.

[1] Medley: *ibid.*, p. 129. McKechnie: *Magna Carta*, p. 148.
[2] Stubbs: *Select Charters*, p. 270.

(iii) John's breach with his baronage. This requires careful note. On their return from the Third Crusade, the barons found that the Norman-Angevin centralising system of government had been strongly developed : its anti-feudal nature was more obvious and better appreciated : in their own interests it had to be resisted. But, while the more turbulent of the barons, especially the minor barons, thought in terms of their *own* rights, it is undeniable that among the greater feudatories a larger conception was influential in forming policy, an idea, faintly adumbrated as yet, of *national* concern. Though not fully sympathetic with the constitutional work of the first Angevin or his able successors (the Justiciars of Richard), these great nobles did respond to the ultimate motive of their constructive schemes and did begin to think in terms of *the State's security against an irresponsible monarchy*. In this the " Official Opposition " movement became more sensible of itself. So long as the feudal rights of the major nobility were respected and so long as this was possible within the national system of government so far developed, these magnates were resolute to protect the State *and its government* against a king who menaced it. Unless this is the interpretation of the true baronial policy, it is difficult to see why the Norman-Angevin constitution, based on anti-feudal and national principles, survived the crisis of 1213-15, and why the leaders of the baronage and the Church together did not take the opportunity afforded later by the regency of Henry III to interpret the *Carta* strictly to the letter and even to indulge in further reaction. Rather is the contrary true. The regency of the boy-king, Henry III, saw these magnates doing their best to promote the Norman-Angevin system of government as the best system of government for the State, so long as their own immediate feudal rights within it were respected.

(iv) Lastly, the consciousness of the nation at large was aroused to hostility against John ; and the form it took was acquiescence in the policy of the alliance of the Church and the baronage. Regarded broadly, the crisis seems to have meant : England for the English and not for a despotic monarchy.

Thus, while an expert examination of the *Carta's* clauses—especially such as No. 1 relating to the rights of the Church and clergy ; No. 12 relating to the rights of the barons and the

realm in the matter of taxation; Nos. 34 to 39 (No. 39 in particular) in their assertion of feudal jurisdictionary rights as against royal; and No. 60 in its bold resurrection of the true feudal alternative for bad kingship—makes it certain that the document was feudal in character, yet it must be noticed that the main lines of the Norman-Angevin system were recognised and insisted on so long as they were faithfully followed: *e.g.* Henry II's new legal system of Courts and Assizes (No. 18): The Court of Common Pleas to be held in a fixed place—Westminster (No. 17): That royal justice shall be uncorrupt (No. 40): That the *Commune Concilium* shall function constitutionally (No. 14): That charters to London and other towns should be respected, that weights and measures should be uniform, that mercenaries should be dismissed, etc.

Although Magna Carta contains so little new constitutional life, it represents an invaluable advance constitutionally. This is best seen in

(i) Its national character and its definite assertion of national action, *e.g.*

"No scutage or aid shall be imposed in our realm unless by the *common counsel of our realm* except . . ." (No. 12).

"We will not make men justices, constables, sheriffs or bailiffs, unless they are such as know *the law of the realm* and are mindful to observe it rightly" (No. 40). Note, justices and constables were among the highest officers of the administration.

Or, the famous Preamble: "John, by the grace of God, King of England . . . to the archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, provosts, serving men, and to all his bailiffs and faithful subjects, greeting. Know that we, by the will of God and for the safety of our soul, and of the soul of all our predecessors and our heirs, to the honour of God and for the exalting of Holy Church and the *bettering of our realm* . . ."

The "realm" is the term commonly used: terms of class or indicative of partyism or feudal divisions of interest are sparingly used, and when used are correct in definition and limited in purpose.

(ii) Its magnificent effort to summarise the constitution as then understood and to define rights and liberties.

"*Concessimus etiam omnibus liberis hominibus regni nostri, pro nobis et haeredibus nostris in perpetuum, omnes libertates subscriptas, habendas et tenendas, eis et haeredibus suis de nobis et haeredibus nostris*" (No. 1).

Magna Carta did not create English liberties: these existed. Magna Carta summarised them, and, in important respects, gave a legal definition of them in durable form. The document could be appealed to—and it was! It was a contract formally made between the monarch and his subjects, a contract sufficiently clear in its definition and clauses to be held binding legally. For the first time in English History this defining process on constitutional national lines had been attempted, a precedent of the utmost value. Little wonder that the choleric John "declared with an oath that he would never grant them such liberties as would render him their slave."

(iii) The truth that Runnymede saw an extension in fact of the *representative* principle. The Church and the Barons represented themselves certainly, but also as certainly the State. Runnymede was the last of a series of national assemblies. In August 1213 two had held session. The Council of St. Albans, wherein the king's misgovernment was the subject of debate, was attended by barons, bishops, and by *the reeve and four men from each township*—a truly representative national assembly! At St. Paul's, London, later, the great archbishop and ecclesiastical statesman and patriot, Stephen Langton, produced to the assembled host the Charter of Henry I. And again, at Brackley in 1214, the barons under Robert FitzWalter demanded reforms based on this Charter, and in their mailed menace brought the crisis to its head. This representative principle is also clearly fundamental in the famous final clause which provided for the election of the Council of Twenty-Five to see that Magna Carta was observed. In this clause and the principles of election and representation on which it is based some have seen the "foundation of the doctrine that the monarchy of England is a limited monarchy." If this is too bold an opinion, it can at least be maintained that Magna Carta was an attempt at contractual government, and that such government must recognise the principle of representation.

4. The Rise of Parliament

The deliberate misgovernment of John was followed by the feeble incompetency of his son. The crisis of 1213–15 was a prelude to the greater crises of 1256-8 and 1264–6. The statesmanship of Walter and Langton is paralleled and at length overshadowed by that of Simon de Montfort and the English Justinian, Edward I. This period, from John till the death of the first Edward, is marvellously rich in constitution building: it sees the climax of English effort to "rule their kings by means of institutional life"; the idea and the fact of *Parliament* arise to take form rapidly and durably.

The key-influence of this period and the Parliament movement lies not as is generally supposed in the royal foolishness, in Church tyranny, in the ambition of de Montfort, or even in the principles of election and representation widespread in their silent work in the government of the land: it lies in the swift development of what has been called in this Essay for want of a better name the "Official Opposition"—*i.e.* in the refined consciousness of the better English nobility which dictated ideals of patriotism as preferable to individual aggrandisement or court sycophancy.

So important a fact must be made clear. It can best be seen by dividing the feudal baronage into two groups: the "good" and the "bad."

The "good" are those now trained to respect Law and Order, and especially to respect and to assist the national system of government as defined by the Charters and the successive modifications of them by the able regency-rulers, William the Marshall, 1216–1218, and Hubert de Burgh, 1219–1232. The welfare of England demands their fullest co-operation with a king who rules wisely according to the system as understood, or their fullest resistance against an "un-national" king such as Henry III. The tradition of 1215 was handed down: it became refined by age and circumstance of new opportunities. This baronial party, in which are to be found the best of the nobility, when in action against a bad king or anti-national influence, may be regarded as *The Constitutional Baronial Party.* It is numerous and powerful: and from now until it disappears in

the welter of the Wars of the Roses, it plays an heroic part in the development and the safeguarding of the English Constitution as its members understand it. And they learn to understand it. They grow in intellectual outlook as they grow in nobility of State-service. Always a little behind the leaders of genius, such as de Montfort and Edward I or Henry IV, and always a little suspicious of them and their constructive work, yet they in time advance to the positions created by these leaders, and, accepting them as good, devote themselves to their defence. The influence of this party is strangely neglected in text-books: it is noted politely but never emphasised as a "Constitutional Party." [1] Unless it is emphasised strongly there seems to be no reasonable explanation of the remarkable constitutional drama of England in the Middle Ages, and especially of the climax to which approach is now to be made—the rise of Parliament and the struggle to gain full recognition and observance of the Charters.

The second division of the barons is the "bad," those who could not or who would not learn to advance with the times. These men, mostly minor barons, were the turbulent force ever ready to take advantage of unrest and crisis for the re-assertion of their outworn codes of government and so-called honour. They were strictly feudal and therefore individualist: their ideal was the rampant "lord" of Stephen's days; selfish gain was their immediate and ultimate aim; becoming crafty with age they too organised in order to take advantage of factions within the government; they would support the king and his court, or the Church, or even the Constitutional Baronial Party—when it served their ends. Under astute leaders this hostile baronage did constant damage to the constitutional movement, but as in all such cases of sheer obstruction the cause it was to defeat profited by its opposition. A descriptive title for this militant baronial minority is: *The Baronage Rampant!*

It would be foolish to suggest that the "good" barons were altruistic: rather were they hard-headed business men possessed of a large fund of common sense; they were conservative and always advanced cautiously, keeping a keen eye on their status

[1] Stubbs, *e.g.*, defines it as an Oligarchy acting mostly from selfish motives. The term seems much too narrow and hard to explain constructive baronial activity in a centralised (national) government.

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within the governmental system. The essential difference between the two classes of barons is this : the " good " found their own good in a stabilised government; the " bad " found their good in anarchy.

This point is stressed here in view of the usual interpretation of this constitutional period as a series of clashes between kings and oligarchies, the king being the symbol of constitutional reaction and the oligarchies symbolising the forward movements. This is wrong. Some kings were reactionary ; others deliberately assisted the constitutional movement. The oligarchy, if there was one, can be identified with the Baronage Rampant which aimed at power through the weaknesses of kings. The Constitutional Baronial Party, although like an oligarchy in the various crises it survived, was not conscious of itself as such. It was the stable party ready to assist either king or Church or a de Montfort to " restore " good government. It was also constructive in that it made proposals to promote better government, and largely to its work is the final form of the English Constitution due.

The period between Magna Carta (1215) and *Confirmatio Cartarum* (1297) is generally described as " The Struggle for the Charters." This means that the nation, led by the Constitutional Baronial Party, tried and succeeded in holding kings to their written bond. This long strife released in a stronger degree than known before the twin principles of election and representation, and the rise of Parliament in the midst of the contest is therefore not surprising. Parliament, or the nation in assembly, was a logical event. Following the Confirmation of the Charters (1297), Charters and their constitutional influence tend to drop out of constitutional interest : Parliament existed, and the need of Charters was proportionately lessened.

" England for the English " is an apt summary of Henry III's reign : the awakening of a national consciousness in this time is indisputable ; or, better, the spirit evoked in 1215 was not suffered to sleep again.

Henry III's reign falls into convenient divisions. First, *The Regency* (1216–1234) saw the ruling genius of William the Marshall and later of the greater Hubert de Burgh making

patriotism a principle of policy and steadily consolidating the constitutional position. Stephen Langton's wise support cannot be overrated. His death in 1229 was a turning point.

Secondly, *The personal (mis)government of Henry III.* (1234–1258). He had all the faults and none of the strength of his father. He violated the Charters, overtaxed the nation, became a puppet of the Church and a prey to a constant invasion of foreign favourites, and did not scruple to promote these foreigners to controlling offices in the government. His foreign policy or lack of it was also disastrous. The climax to this egregious conduct was the Mad Parliament (1258) and the Provisions of Oxford, an important stage in the constitutional struggle.

Following the regency, the "good" baronage experienced a long period of weakness: royal favour was bestowed elsewhere: leaders of fine quality were lacking. By 1258, however, the patience of the country had been brought to breaking point; the "good" baronage had found new leaders in Simon de Montfort and Richard of Clare; and the king, his court, the Church, and the "bad" barons were shocked into a clear realisation of their incompetence by the ultimatum of the Provisions of Oxford, their compulsory acceptance, and the firm exhibition of purpose on the part of the Constitutional Baronial Party to restore good government. The chief Provisions of Oxford were:

(i) Four knights were to be appointed by the freeholders of each county to discuss grievances in *Parliament*.
(ii) A new sheriff was to be elected annually for each county.
(iii) *Parliament* was to meet three times a year.
(iv) The king was not to wage war in Europe.
(v) Illegal taxation was to stop.
(vi) A statement of all public money expended was to be issued annually.
(vii) Foreign favourites were to be dismissed from governmental offices.
(viii) The monarchy was "put in commission," *i.e.* a special council of fifteen bishops and barons was appointed to govern in the name of the King.
(ix) An elaborate organisation of committees appeared to help and to watch these reforms.

The significance of these "reforms" is compelling in interest.

Their careful perusal must convince the student that the Constitutional Baronial Party was eager to advance. *Parliament,* or the idea of it, is known and talked of as necessary. The suggestion of a public audit, although rudimentary in form, is modern. Election and representation are becoming more fashionable in high places and concerns.

Thirdly, *the Civil War: Simon de Montfort's Parliament: his overthrow* (1263–1265). The refusal of Simon to accept the *Mise of Amiens* (the arbitrament of Louis IX against the Provisions of Oxford) led to war. Following Simon's victory at Lewes his supremacy was unchallenged, and he made history by his famous Parliament summoned on December 14th, 1264, and duly assembled in 1265.[1] Simon was a firm believer in the value of parliamentary procedure, and the principles of election and representation on which it was based.

Dr. Barker has suggested that the earl was indebted for his ideas to his knowledge of Dominican institutional life as organised in Gascony, and to the advice of his father, the overlord of Gascony, who was conversant with the Dominican theory of representative government.[2] It may be so, but he could not have applied successfully his idea of Parliament, had not the elective and representative principles been established in England and had not the idea of a "parliament" been familiar. This latter had made steady progress since the Council of St. Albans (1213). Parliaments of national representatives are occasionally met with after this date. And even as early as 1212 John met representatives of freeholders to assess Church indemnities. It is, therefore, incorrect to say that Simon founded the representative system of government in England. He developed it: his valuable contribution was his direction that two citizens from each city and two burgesses from each borough named should be returned to his Parliament. Townsmen had never before been summoned. Their inclusion made the assembly truly national in its representative character. Nor did Simon found the House of Commons: but in bringing together within one assembly representatives of the various

[1] It should be noted that many think this famous Parliament did not meet! No satisfactory proof of this "suspicion" has yet been produced.

[2] Cf. Hilaire Belloc: *History of England*, Vol. II, and Barker: *The Dominican Order and Convocation.* See Essay XV, p. 283, f.

classes of the nation, especially of the shires and the towns (commoners), he clearly registered a big step towards (i) the representative Parliament; (ii) the future creation of a House of Commons. Moreover, he increased the function of a Parliament. He did not summon his Parliament to get money so much as to ascertain the opinion of the State regarding the revolution. The views and advice of the "representatives" were wanted. The *nation* (or that part of it which stood for Simon—his representatives were "picked" and his Parliament "packed") *was taken into council.*

Fourthly, *the restoration of the Monarchy* (1266–72). Simon fell, but his cause survived. The various stages of the restoration of a chastened monarchy and the settlement of the realm on fairly ordered lines cannot here be reviewed. The important fact is the rise to power of the Lord Edward and his incalculable personal influence for an enduring peace. His strategy of going to the Crusade and taking with him as many of the "good" and the "rampant" nobility as would go was exceedingly sound. His father died in peace, and despite the fact that Edward himself was in the Holy Land and unable to return for a long space, his accession to the throne was never challenged and was wholly peaceful. He was welcomed home at last by a national England and found the government restored to sanity under the control of ministers constitutional in outlook and procedure.

Edward I (1272–1307) merited the honourable title "The English Justinian" which modern scholarship has awarded him. Pre-eminent among constitution-builders, his work was skilled and thorough. He brought the logic of reason to order and to strengthen the logic of circumstance in the moulding of English institutions of government. "Tendencies" and "movements" had developed the constitution to an elaborate and possibly premature form: Parliament and the intricate machinery of administration, central and local, as existing in Edward's time, were the results of the Norman-Angevin policy of centralised rule and alliance with the people. Such results of tendencies and policies were factual rather than definitively legal: to be preserved they had to be legally defined. Edward saw this need and laboured to fulfil it. His age is, therefore,

the Age of Definition. "In every branch of administration the process of definition goes on, almost uniformly. Parliament, convocation, the central courts of law, the provincial jurisdictions, take their permanent historic forms: the theory of representation, so long in the process of crystallisation, becomes fixed in the assemblies of Church and State. The Courts of King's Bench, Exchequer, and Common Pleas take each to itself a distinct staff of judges and a distinct sphere of work. The administration of justice in the shires is completed and made symmetrical by a long series of statutes. . . . In taxation, legislation, in the administration of justice and police, the same tendency is visible: . . ." [1] He defined each part and each function of the machine of State. From this time onwards the term "'constitutional' becomes restricted to the parliamentary history and to the departments of State which exist in close dependence upon or in temporary rivalry with it." [2]

Hence, it is in Edward's "Model Parliament" (1295) and in his *Confirmatio Cartarum* (1297) that constitutional interest is centred. Having accepted the principle of parliamentary institution, Edward spared no pains to find its proper application in form. From 1275 to 1295, he experimented deliberately in Parliament-making. His Model Parliament was his triumph. Its precedent was de Montfort's Parliament in that it gave representation to all classes within the realm. Simon's Parliament was not national: it was partisan. Edward called a national Parliament in which "a full and perfect representation" of the "Three Estates," Clergy, Barons, and Commons, was found. "What touches all should be approved by all." Edward's just concern in this view strikingly illustrates his effort to live out his motto: "Keep troth."

The "Model Parliament" won its name because all future Parliaments were formed on its pattern. It was the *defined* form of Parliament and as such acceptable to the age. Parliament's constitution was completed. Later, the form was to be modified, but such changes came from *within*, being necessary reorganisations for business purposes rather than new efforts to construct Parliament itself.

The *Confirmatio Cartarum* is the climax in the long struggle

[1] Stubbs: *ibid.*, p. 427.
[2] Stubbs: *ibid.*, p. 429.

to hold kings to their Charters. Edward signed under duress, but this does not diminish the constitutional importance of the act. In this case the Constitutional Baronial Party was against the king and compelled him to agreement—a fact full of significance. Indeed, from this date till 1301, when the "final confirmation" was bestowed, this party is very active, as if conscious that the king had possibly gone further than he had intended in constitutional work and might react into violations of his promises. An indication of the mental advance of this baronial party is found in the fact that "in all these confirmations (some thirty-two during the century) the constitutional articles of the Charter of John, omitted in the re-issue of 1216, were never replaced." [1]

5. Law and Lawyers

Another key-influence in this remarkable growth of institutional life in England must now be stated. It is the influence of law and lawyers. From Henry I till Edward I the lawyers had gradually come into their own. First, the canon lawyers, and later, the civil lawyers, had developed power to aid the king until they were indispensable. The point to be noted is this: that law once made is the instrument of lawyers. The legal profession is necessary to interpret and to administer law. The machinery of law, once constructed, demands agents to work it: such agents are lawyers. So with every new law and with every extension of its machinery the legal profession becomes more powerful. Moreover, law courts and royal law mean more equitable justice. Such justice when experienced becomes preferred to older forms of justice. Hence, it is not strange that England evolved quickly from the crude feudal forms and was directed subtly and strongly in this evolution by the lawyers, whose fortune depended on their adequate defence of legal institutions (royal) as opposed to legal institutions (feudal).

The Middle Ages is memorable for its famous lawyers, canon and civil. From Glanvil to Burton there is a potent tradition and an intellectual succession in the legal field. Nor is it strange that in the climax of development already reviewed the lawyers should have played the chief rôle. Edward's

[1] Stubbs: *ibid.*, p. 494.

chosen advisers were lawyers, civil rather than canon lawyers. Indeed, since his great processes of constitution building and legal definition practically cease with the death of his famous chancellor, Robert Burnell, " it is tempting to assign at least as large a part of the law-making to the minister as to the sovereign." Henceforward, the power of the lawyer is not so visible in high places. The process of definition was done. But in the lower places of government the lawyer was indispensable and all-powerful. Constitutional development in the future resulted from political forces rather than legal : but with every addition or modification the lawyers found their sphere increased and they were shrewd enough to defend it, generally with success.[1]

6. The Development of the " Constitutional " Idea

The next stage in constitutional history extends from 1301 to 1399. It is a century of " transitional " life. Constitutionalism flows on, becomes stronger in its currents, and succeeds in breaking through all the dams and barriers placed in its course. This damming process affords the vivid interest in an otherwise dull period : it takes the form of royal vacillation and spasmodic attempts at reaction by both Edward II and Edward III, or in royal cunning and extraordinary acts of despotism by Richard II ; or in the clashes of the Constitutional Baronial Party with the Baronage Rampant, as evidenced best in such startling episodes as the Lords Ordainers (1311–22) and the Gaunt-Gloucester faction (1376–89), resulting in the Lords Appellant movement. The political crises were all of constitutional origin. Either the kings were afraid of the national form of government created by Edward I and with the aid of a court party or the Rampant Baronage contrived to evade or to break it and to establish some sort of despotism : or the Constitutional Baronial Party, seeing danger in the weakness or the strength of the king and his subversive allies, provoked an encounter to safeguard the constitution which sometimes ended in civil war.

A general survey of the fourteenth century, however, yields a technical rather than a romantic interest in constitutional life. Attention is rightly centred on the chief institutions of

[1] Cf. Essay XII, pp. 239-241.

government, the Monarchy and Parliament and the relations between the two. Parliament is seen becoming self-conscious and attempting to increase its powers and functions: the Monarchy is seen either resisting successfully and shamelessly evading promises openly granted, or yielding to demands with tactful procedure.

The chief points in this development are :—

(i) *The Reorganisation of Parliament into two Houses* (1341).—Prior to this, the Lords had won two concessions from the king : (*a*) that a *personal* summons from the king should be sent to those magnates constituting the Lords, (*b*) that this right should be hereditary. The continuity of the House of Lords with the feudal *Magnum Concilium* was here safeguarded and is historically indisputable.

The Commons were summoned *collectively* through the royal officer, the sheriff. As the lesser tenants-in-chief and knights of the shire were thus summoned, the distinction between them and the tenants-in-chief or magnates of the realm became more socially and legally marked. At the separation of the Houses, therefore, the former class entered the Commons and sat with the townsmen and citizens of the realm, to the incalculable profit of this merchant class. The clergy retained their seats in the House of Lords, but dropped out of the Commons, the " lower " clergy preferring to sit in their own form of parliament, Convocation. Thus reorganised in two Houses, each House developed a personality of its own, and found wider scope for its activities and constitutional work in an increasing ambition to be active in assisting government.

(ii) *The Increasing Control of the House of Commons.*—Finance was the touchstone. The Commons interpreted their chief function as guarding the State against the financial rapacity of the king ; and later, from guarding against rapacity it tried to avoid rapacity by controlling the finances by way of absolute agreement to " legitimate " taxative demands and to the right of audit.

(iii) *Legislation.*—Within this century there arises in the consciousness of the Commons an aspiration to play some part in the making of law—a sovereign power. They struggle to gain this and partially succeed in establishing the principle, if not the fact.

(iv) *Administration.*—The Commons also regarded themselves as protectors of the realm against corrupt administration, whether in high places or low. This led in time to their assertion of the "right" to approve of the king's ministers and to insist on his dismissal of them if proven to be incompetent or treacherous. This "right" the king fought tenaciously, but not with complete success. The process of *Impeachment* appears (Good Parliament, 1376), a judicial process by which the Commons, "acting as a Grand Jury of the whole nation" were plaintiffs and prosecutors against such an offender before the bar of the House of Lords, "sitting as a High Court of Justice."

(v) *Privileges.*—This term implies that the conscious personality of the Commons was in need of dignity and took measures to gain it. The House assumed the proud claim to be "master of itself and its proceedings": this, in turn, needed the possession of inalienable *personal rights* by each member in his capacity as a Member of Parliament. Such rights were Freedom of Speech, Freedom of Arrest, and Right of Approach to the Monarch. These "privileges" were not won at this time. Their need was appreciated and constantly expressed in an attempt at definition; this is the important point.

(vi) *Harmony between the two Houses*, involving a definition of their mutual relationships and a loyal abiding by it.

Clearly, if these forms of "control" had been fully gained by the House of Commons, a form of Parliamentary Government comparable to modern form would have been achieved. This was impossible. These forms were not won until the next stage of development, the Lancastrian period. But throughout the fourteenth century, through the tumultuous days of Edward II, through the long and shifty period of Edward III, and through the amazing rule of Richard II, when reaction to despotism seemed triumphant, this constitutional urge was ever thrusting forward, seeking both in times of favour and in years of disaster a clearer definition of itself and developing a "personality" which could embody with dignity this defined form of constitutional authority.

On the whole the urge was successful. At the death of Richard II (1399) it is indubitable that the following principles were established and founded on solid precedent in action.

(*a*) *Taxation* the consent of Parliament necessary.
(*b*) *Legislation*—Both Houses to concur in its need, if not in its particular textual form.
(*c*) *Audit* of Public Accounts and Appropriation of Supplies.
(*d*) *Ministerial Responsibility* established in theory at least. Control over Ministers by means of Impeachment.
(*e*) *Privileges*—understood, but not won.

All the above is an extended commentary in theory and action of the principle declared in the Parliament of York, 1322, that "matters shall be established in parliaments by our Lord the king, and by the consent of the prelates, earls, and barons, *and the commonalty of the realm.*"

7. The Lancastrian "Experiment"

The drama now draws to its close. The last act is an amazing antithesis: triumph dissolving into disaster. The "Lancastrian Experiment of Constitutional Government" preluding the anarchy of the Wars of the Roses and the rise of the sinister despotism of the Tudors, in which Parliament, reduced from its proud pre-eminence as a partner of the king in government, became the puppet, servile and sycophantic, of royal favour!

What was the "Lancastrian Experiment"? The realisation in as practical a form as the age would allow of all the constitutional principles and procedures making for Constitutional Monarchy, liberated and defined in law and act since the Normanisation of England. It was the fullest expression of Parliamentary government enjoyed by England until after the civil wars of the seventeenth century. It was the triumph of law and custom over regnant ambition and rule by force. Unhappily it was premature. It developed its final form in an age of iron, when the dogs of war were baying at home and abroad, when the institutions of a thousand years of mediæval life were crumbling to decay, when the great break-up was visibly destroying that remarkable organisation of a catholic civilised life. Its existence depended on a respect for law. "Keep troth." The paganised fifteenth century had little or no respect for law or its conventions. The elaborate and delicate

machinery of such a constitution as the "Lancastrian Experiment," dependent on legal obligation, was certainly doomed when the anarchic spirit dominated men and the lust of power for power's sordid sake was their chief impulse. The "Lancastrian Experiment," so fine a flower of mediæval genius, had hardly bloomed before the universal blight fell upon it and withered it irretrievably. But its memory remained. And its memory proved potent enough to stimulate a much later generation of Englishmen, the Cromwellian hosts, to search for its roots, to nourish them afresh, and to cultivate the flower anew for its own precious sake.

The Lancastrian monarchs, being usurpers, were forced back upon the nation, the Constitutional Baronial Party and the Church. Their concessions to Parliament, although not always willingly granted, were sufficient to enable Parliament to realise its cherished ambitions of "constitutional control." This "control," when established, allowed Parliament to be in partnership with the king so far as law and prerogative would allow, and limited the monarchy to the form known as "Constitutional."

A summary of the Constitution at the death of Henry V (1422) will indicate this advance.

(i) *The Monarchy.*—From the egregious "Black" Lancaster down to Gaunt and Bolingbroke, the great Lancastrian House had proclaimed itself the supporter of constitutional government. Bolingbroke, raised to the throne, was compelled, morally and politically, to be more faithful to this tradition than his intriguing ancestors had been. A "usurper," in his rôle of king he was largely dependent on his "enemies": therefore, his policy was clearly to secure the alliance of the "faithful commons" and the "Church universal." The idea and fact of a feudal monarch, "*primus inter pares*," had slowly changed since the Norman times into the idea and fact of "*rex politicus*." This is the basic conception of Henry IV's monarchy. It is founded on law and realised in the legal formula dictated by political necessity. He was elected king by Parliament. Parliament had deposed the errant Richard II. In these two acts the full power of Parliament as partner in government with the king is seen. Such acts were sovereign acts. The

lawyers triumphed and safeguarded the positions of both king and Parliament. " The deposition, the vacancy of the throne, and the subsequent election of Henry, are each recorded in the most distinct terms in the official entry on the rolls of Parliament." A corollary of this parliamentary election to the throne was Henry's promise to rule in accord with the wishes of Parliament. The " constitutional " principle lies in the heart of this promise. Henry would respect the Charters and the institutions of government as he found them : he guaranteed his regal protection to their lawful occasions of actions and rights. That he purposed to extend these " occasions " and to assist to define " rights " was probably not the case : but the circumstances of his reign compelled him to do so, and in so doing he completed the " Lancastrian Constitutional Experiment."

(ii) *Baronage.*—The triumph of the Constitutional Baronial Party threatened to eclipse the Baronage Rampant. The rebellions of the first years of Henry's reign show that the idea of Feudal Kingship was still held by some powerful members of the nobility. These crushed, the Constitutional Baronial Party was strengthened to adapt itself more efficiently to the parliamentary scheme of government and appreciate the true significance and value of the institutions within it which provided for the functioning of the baronage : (a) The House of Lords, (b) The Privy Council.

(a) *The House of Lords.*—This was now the form of the old *Magnum* or *Commune Concilium.* It was the repository of all the rights theoretical of the tenants-in-chief, and their final court of jurisdiction. These rights had been for centuries in the process of legal definition, and some success had been gained in this difficult task, as seen in the case of Stratford against Edward III. The prestige of the baronial party was satisfied in their possession of their House, which was in most respects a continuity of their Great Feudal Council of olden days. Moreover, as was inevitable, this House was dominant in its power to advise the king on all matters of policy, to " supervise " the work of the Commons, and, above all, to safeguard its own status by its own special judicial character and power, the legacy of pure feudal government.

(b) *The Privy Council.*—This too was a development of the

Magnum or *Commune Concilium.* The difference between it and the House of Lords lay in its constitution, its rights and its functions. While all tenants-in-chief had to be summoned personally to the House of Lords, the king could summon whom he wished to the Privy Council. The Privy Council was the king's own Council. His prerogative of choice of Councillors was absolute. Again, only certain "rights" of the baronage were recognised as belonging to its members, *e.g.* access to the king, the privileges of advising his majesty and of judging civil suits recommended to its "court" by the king. It had no power to legislate on policy defined. It could, however, witness and support any sovereign act of law, *e.g.* proclamation by the king.

These two developments of the Great Feudal Council became two of the chief institutions of government within the English Mediæval Constitution. Their power and importance increased with the further definition of their status and rights as time went on. They accommodated the baronial element (so jealous of its right to rule) in harmonious relationship with the other institutions of government, the Crown and the House of Commons. They tended to lessen feudal pretensions and arrogance, vices which had too often made the *Magnum Concilium* a bear-garden. They trained the baronage into legal-mindedness, clothing their rights in legal form and giving their functions the force of legality. The more a government is institutionalised, the more it is civilised. This interesting stage was now reached in English government. The "Lancastrian Constitutional Experiment" is the most complicated system of institutions harmonised into a political government-form that the age knew.

(iii) *The Commons.*—The representative principle was fully recognised. It was in its final form. The "Model" Parliament of Edward I was respected and copied. The struggle to win the "forms of control," seen in Edward III's reign, was now continued and attended with swift success. The Commons knew what they wanted: now they asserted their "rights," governmental and institutional, and for the most part won them. A summary of these "rights" may be found helpful.

a. *Assent to taxation*—won.
b. *To audit accounts*—won.

c. *Redress of grievances before supply.*—Consistently pressed for in the fourteenth century: yet, in 1401 Henry IV refused the demand as contrary "to the good customs and usages made and used of ancient times." But the Commons regarded this concession as absolute: and by astute practice they won it materially, if not legally, during the Lancastrian period. Stubbs calls it "one of the most distinct statements of constitutional theory that had ever been advanced." [1]

d. *To allocate moneys granted for specific purposes:* Appropriation of supplies.—The king resisted and procrastinated: whatever success the Commons won was soon lost after Henry V. Incidentally, this formidable power of the Commons was not legally theirs until the Commonwealth.

e. *Legislation:* the right to debate need of new law, and to frame "bills" for royal consideration as replies to their own lists of *gravamina.*—This was an unprecedented advance in governing activity. Hitherto, the Commons came with their *gravamina* and asked the king to relieve or redress them: the king said he would if they granted him so much money: the royal practice was to forget such promises but to accept the taxes. Now the Commons had advanced to a better means of securing redress. They framed the "bills," *i.e.*, drew up laws which would satisfy their lists of grievances, and prayed the king to accept them. The king accepted them, but usually altered them much in Council before he made them law, if and when he made them law. Later, the Commons claimed as a right that the king must either accept the "bill" unaltered or reject it. Here arises the legislative power of the Commons in its modern form: also the form of the Royal Veto. Such legislative authority was the crown of the Commons' achievement. But they did not wear it long, nor gracefully. Soon they lost it altogether.

f. *Ministerial Responsibility.*—To approve of royal ministers of State and to coerce them by Impeachment. To insist on the king's dismissing obnoxious officers: dangerous procedures, but attempted.

g. *Free Elections.*—The royal practice of "packing" Parliaments was discountenanced: the Commons enunciated the principle that their elections should be free.

h. *Control of their own House.*—Right to frame rules by which to conduct the business of the Commons and their absolute power in this important matter.

i. *Privileges.*—Those seen to be necessary with the rise and development of the Commons, *e.g.* of free debate, personal immunity, access to the king, were further defined and fought for—on the whole with success.

[1] Stubbs: *Const. Hist.*, p. 306.

Although all the above is for the most part live theory, much of it was reduced to actuality in this period. The whole was never realised. Yet with their very fair measure of success the Commons throve to high power and influence in the Lancastrian government.

(iv) *The Church.*—The last but by no means the least powerful of the great governing institutions of the State was highly organised on centralised lines from the Houses of Convocation downwards. Its representation in the lay Parliament was now confined to Bishops and Abbots in the House of Lords. Firmly allied to the Crown, the Church was, however, in the last resource obedient to the supreme authority of the Roman Curia, an alien jurisdiction.

This justly famous "Lancastrian Experiment of Constitutional Government" was valuable in two ways. It visibly represented the logical conclusion of the peculiar and precocious political movement in England to establish a Constitutional Monarchy based on the principles of Self-Government as a substitute for the idea of Feudal Monarchy and Rule by Privilege. It was an historical precedent of incalculable value for the seventeenth century, when political necessity counselled a re-valuation and a re-modelling of political forms.

The swift advance of the English mediæval constitutional movement meant a process of institution building and legal definition of the Rights and Functions inherent in institutional life. The institutions were built: the process of legal definition carried to an advanced state: the rights and functions were delimited theoretically and partially practised. The climax is reached in the Lancastrian "Experiment"—a phase of English life richly meriting detailed study. That the system of government then in function proved to be too delicately constituted to withstand the assaults of the succeeding age of blood-letting and knavery is not a matter for surprise. It was a highly civilised form: the Roses period was a barbarian age. That it should have been displaced by a despotic government was in accord with the logic of the times: that it should have been successful in keeping alive the free spirit of the English during the long ensuing period of gloom is the truly wonderful thing.

So the constitutional drama of mediæval England closes with dissolution and disaster. The promised triumph of the Good ends in the tragic victory of Evil. But not in anarchy is the true character of the Middle Ages to be found. It is revealed in the constructive statesmanship which rescued whole peoples from the political swamps and military bogs of the Dark Ages and compelled them to build their States on the firm and fertile soil of sober citizenship. In no land is this high courage and governing ability more clearly seen in beneficent work than in England: and in England no better example of it is to be found than in the Constitutional Movement, ambitious always of the best form of government for the whole nation.

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

JENKS, E.: *Edward Plantagenet.* (Putnam's.)

MAITLAND, F. W.: *The Constitutional History of England.* (C.U.P.)

M'KECHNIE, W. S.: *Magna Carta* (Introduction). (MacLehose.)

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ESSAY VIII

THE RELIGIOUS ORDERS: MONKS AND FRIARS

Dr. Coulton has truly remarked that "the root problem of monasticism is one which every ideal has to face; we could not get rid of it by suppressing Christianity, or even Theism, to-morrow." [1] Throughout the ages restless spirits in search of an ideal have not infrequently realised their aim in the solitary seclusion of the hermit's cell or the quiet walks of the cloister. To question the wisdom—or unwisdom—of their action is no part of the historian's duty; but the historian can offer a warning to those who are presumptuous enough to criticise their action. To judge the past by the ethical standards of the present is a dangerous course to pursue; it will inevitably lead to misrepresentation. Judged by present-day standards, retirement from the world, so common in the Middle Ages, is an admission of failure, and at the same time has an unpleasant suggestion of selfishness about it. But the vital questions are these: What was the condition of the world from which these mediæval men retired? Was it possible to obtain spiritual satisfaction outside the cloister? The first question can be easily answered by the historian; [2] the other is one that he will wisely leave to the philosopher. Readers, however, must recognise that, whatever the cause, there was a large body of men who found spiritual satisfaction in mediæval monasteries.

It must not be expected that this Essay will contain a detailed account of the spread of the monastic ideal in England. To begin with, the movement was highly complex in character and was common to the whole of Western Christendom. To the English historian it is a foreign influence, since of all the religious Orders only one was started in England, namely, the Gilbertine Order of Sempringham. Monasticism derived its greatest strength from Monte Cassino and Assisi in Italy, Cluni

[1] G. G. Coulton: *Five Centuries of Religion*, p. 1.
[2] This is dealt with in Essay VI.

and Cîteaux in France; and it was from these centres that it was systematically diffused over the length and breadth of Western Christendom. Moreover, it is not possible in so limited a space to narrow down the subject to meet the requirements of the specialist, who, if he requires a more intimate knowledge, must turn to the ample bibliography that is available on the subject.

The aim of this Essay is to show the reader something of the complexity of monasticism in general in order that he may understand English monasticism in particular. In the first place, an attempt will be made to trace the course of the strenuous fight that was carried on during the Middle Ages to maintain the interpretation of St. Benedict's "very little Rule for beginners." Secondly, the need of monastic reform during the later Middle Ages will be discussed, and in so doing some of the causes of the decadence of the Religious Orders will be made apparent.

1. The Struggle to Maintain St. Benedict's Ideal

The origins of monasticism are to be found in every country where contemplative idealists dwell. During the fourth century, under the influence of such spiritually-minded men as St. Anthony, St. Pachomius, and St. Basil, a wave of monasticism (perhaps "monachism" is the more appropriate word) spread over Egypt and Asia Minor. The trend of Eastern monachism was from the eremitical to the cœnobitical life: at the Antonian Nitria the essence of the system was voluntariness; at the Basilian Neo-Cæsarea it was obedience; while the Pachomian system at Tabennisi made a convenient half-way house.

From Egypt the idea was imported into the West—as tradition has it, in 339, when St. Athanasius and his two Nitrian companions visited Rome. Already the fame of the Antonian and Pachomian experiments had been noised in the West; but the Western mind is more practical than the Eastern, and local considerations led to considerable modification. It is recorded that Bishop Eusebius of Vercelli organised the clergy serving his cathedral church under a monastic rule—an arrangement that St. Augustine followed and improved at Hippo. In Gaul the monastic principle was championed by

St. Martin of Tours, who founded the monasteries of Ligugé and Marmoutier, and by John Cassian, the founder of the monastery at Marseilles. Cassian was the author of the first monastic Rule of Western Christendom—*The Institutes and Collations*, expressly written for the guidance of the rulers of the monastery of Lérins: and it is interesting to the student of monasticism because it shows the early ideal in Western Europe: the true religious life of contemplative prayer was to be had in the hermit's cell after a period of novitiate in a *cœnobium*. In the Celtic lands of Ireland and Wales the eremitical and cœnobitical systems existed side by side.

The founder of Western monasticism was St. Benedict of Nursia. He found it disorganised, and, judging by his early experiences at Subiaco, decadent; he left it well-ordered and *stabilised*. It must not be imagined that St. Benedict was consciously founding a religious Order. His Rule, which became the starting point of nearly all later movements, was written for his own community at Monte Cassino and for the guidance of those who sought a life of contemplative retirement. The saint's ideal of the monastic life has been carefully worked out by Dom Cuthbert Butler in his *Benedictine Monachism*. Five points should be noticed. (1) Since St. Benedict had no thought of founding a religious Order, each Benedictine community was a separate entity, and until the establishment of provincial chapters at the beginning of the thirteenth century there was no connecting link between the various Benedictine houses. (2) The idea of a rigid asceticism—so popular in the East—was abandoned. "We are," said St. Benedict, "going to establish a School for God's Service, in which we hope we shall establish nothing harsh, nothing burdensome." (3) The Rule was drawn up for the use of cœnobites—"*monasteriale, militans sub regula vel abbate.*" (4) The time of the cœnobites was divided between self-discipline, prayer, and manual labour, and St. Benedict laid great emphasis upon the spiritual value of the last. (5) The vow of stability was imposed. This is St. Benedict's greatest contribution to monasticism: each Religious swore to remain until death in the monastery in which he had made his profession; there was to be no indiscriminate wandering from monastery to monastery without the permission of the abbot.

In effect, the Benedictine monastery was the home of a monastic family living simple and useful lives under the patriarchal rule of the abbot, who was responsible to God alone for his actions. The Rule shows that St. Benedict was not legislating for a community of priests, but rather for laymen who were desirous of retiring from the world. A limited number of Religious in priest's orders were attached to each monastery in order to perform the weekly celebration of the Mass, but, in the earlier period, the majority of the monks were only in minor orders. There was no attempt to crowd out the *Opus Dei*—the reciting of the various Offices—by innumerable masses.

The coming of Christianity to England was due to Benedictine missionary fervour. St. Augustine himself had been the Prior of the monastery of St. Andrew on the Coelian Hill, and his companions were Religious sworn to observe the Rule of St. Benedict. When the mission was established at Canterbury, St. Augustine lived in common with his followers, and the monastery that they built there was probably the first Benedictine house outside Italy. The early Benedictines in England did not have to wage war against Teutonic paganism only; on the north and west a rival system was firmly established, and from the outset it was apparent that militant Benedictinism would clash with Celtic monachism. The first blow was struck when St. Augustine met the Welsh Bishops on the bank of the Severn; the victory was won by Wilfrid, the Abbot of Ripon, at the Synod of Whitby in 664. "The very little Rule for beginners" had triumphed, and in the north the victory of the Roman party was further secured by the advent of the Benedictine Benedict Biscop, the founder of the monasteries at Monkswearmouth (674) and Jarrow (680).

St. Benedict's Rule became intensely popular, and monastic houses were founded in rapid succession by the new converts. The popularity, however, was greater than the spiritual fervour; in consequence, decay appeared at a very early date. The monasteries became rich, and the living of the Religious luxurious. Since women had joined in the movement a system of dual monasteries was adopted; but the proximity of the quarters of the monks and nuns proved too great a temptation for the more passionate spirits and gross scandals

and irregularities ensued. Bede, himself a Religious, had no delusions about the evils resulting from this gross neglect of St. Benedict's Rule. His jeremiad is worth quotation: "multitudes of Northumbrians both noble and simple, laying aside their weapons, incline to devote both themselves and their children to the tonsure and monastic vows, rather than to exercise themselves in the studies of war. What will be the end the next generation will see." [1] The next generation saw the fierce onslaught of the Danes, the overthrow of the English race in the north, and the extinction of Benedictinism. When King Alfred came to the throne of Wessex the state of England was pitiable.[2] He attempted to revive the monastic ideal, but in the end he had to admit failure; parents were willing to commit their children to the cloister, but they themselves were not attracted towards the life of the monks.

The experience of early Benedictinism in England was the experience of Benedictinism in Western Christendom. Everywhere the Rule of St. Benedict had been set aside by Religious who wallowed in the wealth that misguided benefactors had bequeathed to their houses. The age of enthusiasm had passed. St. Benedict of Aniane, with the aid of Louis the Pious, did attempt measures of reform, but his efforts were abortive owing to the chaos that resulted when the sons of Louis succeeded their father. It was not until the Cluniac revival in the tenth century that any real progress was made; and then Europe was again plunged into the mælstrom of a religious revival which was only surpassed by the Cistercian revival of two centuries later.

The ideal of Cluni was the legacy that St. Benedict of Aniane had bequeathed to monasticism. Founded in 910, when William, Duke of Aquitaine, granted the vill of Cluni to the monks of Beaune, the monastery acquired widespread fame under a succession of able abbots who were stoutly supported

[1] *The Ecclesiastical History of the English Nation*, Book V, Chapter 23.

[2] Alfred throws an interesting light upon the breakdown of monasticism in England as a result of the Danish raids. "But so clean fallen away was learning now in the Angle race, that there were very few on this side Humber who would know how to render their service-book into English, or to read off an epistle out of Latin into English, and I ween there would not be many on the other side of Humber. So few of them were there that I cannot think of so much as a single one South of Thames when I took to the realm." Quoted from Sir C. Oman: *England before the Norman Conquest*, p. 476.

by the Papacy. Under Gregory V and John XIX the Cluniacs were freed from episcopal jurisdiction. St. Benedict of Aniane had seen the weakness of Benedictinism; in an age when feudal dependence was everywhere the rule in the political world the independent nature of the Benedictine houses was anomalous. Cluni elaborated the idea and feudalised Benedictinism, and in so doing the Cluniacs formed themselves into a religious Order. The Abbot of Cluni was the tenant-in-chief of the Pope; the priors of the dependent Cluniac houses were tenants-in-mesne of the Abbot of Cluni. In all things he was supreme; all Cluniac monks made their profession to him; and the dependent priories were given no voice in the government of the Order.

Although no Cluniac house was founded in England until after the Norman Conquest, the influence of Cluni made itself indirectly felt during the middle years of the tenth century. Both Archbishop Oda of Canterbury (942–58), and Bishop Aelfheah the Bald of Winchester (934–51), had set their hearts upon monastic reform. Their work was completed by St. Dunstan, St. Aethelwold, and St. Oswald, and at one time it seemed as though the reflected glory of Cluni would shine more brightly in England than in Continental lands. As Abbot of Glastonbury St. Dunstan was called upon to fight a debased Benedictinism, and his influence on his pupil, St. Aethelwold, manifested itself when the latter became Abbot of Abingdon. Of the three, St. Aethelwold was most insistent on reform; he sent monks to Fleury—lately come under the influence of Cluni—to learn the Cluniac Customs; and when he became Bishop of Winchester he attempted to force those Customs, modified, it is true, to meet local requirements, on the clergy in his diocese. Despite their efforts to purify English monasticism, the work of St. Dunstan and his friends proved a failure. The frequent disorders which beset the realm in the tenth and eleventh centuries resulted in a steady decay of monastic discipline and a falling away from the ideal of St. Benedict. The state of the Church in England on the eve of the Norman Conquest was deplorable; it certainly induced the Papacy to support the cause of the Norman Duke and his followers, who were, when judged by their zeal in founding religious houses, true sons of Holy Church.

William did not long delay in carrying out the much-needed reformation; and it was his good fortune to have at hand a number of Religious who had come under the influence of the Cluniac revival. Lanfranc had been Prior of Bec and Abbot of Caen; Paul of St. Albans came from Caen; Serlo of Gloucester from Mont St. Michel; and Henry, Prior of Canterbury, had been a monk at Bec. These men framed the policy of reform, and backed by William carried it out in a truly ruthless manner. Laymen supported the movement by piously granting lands to existing abbeys and founding new ones on their own estates. A number of priories, dependent upon great monasteries in Normandy and France, came into existence, such as Monmouth, which was a cell of St. Florent de Saumur, and York, a cell of Marmoutier. It must be remembered that although many of these monasteries followed the Customs of Cluni, they stood outside the Cluniac system, and were governed by the mother house to which they had been granted. The first Cluniac house in England was Barnstaple; a few years after its foundation William of Warenne founded the priory of Lewes, to whom Abbot Hugh of Cluni sent as Prior, Lanzo, with three monks. Within a hundred and thirty years of the Norman Conquest more than thirty Cluniac monasteries had been founded.

Even the Cluniacs could not withstand the temptations which had assailed early Benedictinism. During the latter part of the eleventh and the beginning of the twelfth centuries a number of new communities came into existence, in which a stricter observance of the monastic Rule was enjoined. In 1086 St. Bruno founded the Carthusian Order on the model of the Egyptian *lauras*. It was nearly a hundred years before the Carthusians obtained a footing in England, where only two houses—Witham (c. 1180) and Hinton (c. 1227) in Somerset—were founded before the middle of the fourteenth century. The popularity of this Order waxed as that of the others waned, and this was largely due to the high ideal of monastic discipline and holy living that the Carthusians always kept before their eyes. At Fontevrault a revived dual system came into existence in 1101; four years later the Savigniac community followed a Rule similar to that of Cîteaux; and in 1114 the Tironensian Order made its appearance at Thiron in the diocese of Chartres.

There was a close connection between the last two Orders and Cîteaux; and in 1147 a union was effected.

Before turning to the Cistercian revival mention must be made of that parallel movement—decidedly monastic in character—which had, since the eighth century, been taking place among the cathedral clergy. We have seen that both Eusebius of Vercelli and St. Augustine of Hippo had organised under a kind of Rule the clergy serving their cathedrals. In the eighth century Chrodegand, Bishop of Metz, elaborated the idea and legislated for the Regular Clergy of his Cathedral Church. His example was quickly followed; but during the period of decadence that coincides roughly with the ninth century the Regulars were no more insistent upon the observance of their Rule than were the Religious in the monasteries. Reform was needed. It came in the twelfth century with the institution of the Austin Canons, the Premonstratensian Canons by St. Norbert and the Order of Sempringham. The common starting point of this movement was a letter that St. Augustine had written to a community of religious ladies, though the English Order of Sempringham modified St. Austin's Rule by adopting precepts from that of St. Benedict. Unlike the monks, the canons were not retired from the world; their duty was the recital of the cathedral services.

The Cistercian Revival was the Puritan Revolution in mediæval monasticism. Inspired by Robert, the Abbot, and St. Stephen Harding, the Sub-prior of Molesme, a number of monks sought sanctuary in the marshes of Cîteaux from the worldliness of Molesme. Their slogan was the Rule of St. Benedict, the whole Rule, and nothing but the Rule. Rigid interpretation was to supplant discretionary interpretation, and care was taken that there were no loopholes for those who would convert the *Opus Dei* into an *Opus Diaboli*. Simplicity was the key-note of the new Order; flesh foods were prohibited; buildings were to be of the simplest kind; and the ornaments of the Church were to be plain and unadorned. Nevertheless, the *Novum Monasterium* at Cîteaux might have wielded little influence in Western Christendom had not a remarkable convert appeared at the door in the hour of her greatest need (1113). St. Bernard was a remarkable man in many ways; he was inspired by the highest spiritual ideals and at the same time he

was a practical administrator. He saw the weaknesses of the Benedictine and Cluniac systems, and he tried to counter them by advocating a larger measure of asceticism than that implied in St. Benedict's Rule and by urging a return to manual labour. The rules for the government of the Order were contained in the *Carta Caritatis*, which received papal sanction at the hands of Calixtus II in 1119. St. Bernard did not copy the autocratic principle of Cluni, but each Cistercian house was granted a large measure of independence. Virtually Cîteaux was supreme, since she was the parent of the Order, but that did not give her immunity from visitation, the right of which was vested in the abbots of her four daughter houses, La Ferté, Pontigny, Clairvaux, and Morimond. Each Cistercian monastery was closely affiliated to the mother house, and at the annual Chapter-General of the Order, held at Cîteaux under the presidency of the Abbot of Cîteaux, the order of precedence of the members was determined by the date of the foundation of their houses. Two points should be noticed. Before a Cistercian monastery could be founded the permission of the local diocesan had to be obtained. Moreover, during the early years of the Cistercian revival there was a distinct aversion to gifts of tithes as endowments. St. Bernard had perceived that the founding of " a School for God's Service " had often resulted in the spiritual impoverishment of the rural parishes.

The spread of Cistercianism over Western Europe was undoubtedly due to the zeal of St. Bernard. The first Cistercian house in England was Waverley, which was founded in 1128 from L'Aumône. Others followed, and in 1153, when St. Bernard died, out of the 343 Cistercian monasteries in Europe about fifty were situated in England and Wales. By the end of the thirteenth century, despite an attempt to check the multiplication of houses, there were more than six hundred houses in Europe—and in all 75 in England and Wales. The fecundity of the Order was astounding, as perhaps two or three examples will prove. Morimond in 1120 founded Bellevaux in Franche-Comté, three years later Camp in the diocese of Cologne, and in 1127 another German house at Ebrach. L'Aumône colonised Waverley (1128) and Tintern (1131); and the latter sent colonies to Kingswood near Bristol and to Ireland. Rievaulx, which had been founded from

Clairvaux in 1132, became in 1136 the mother house of Melrose.

If the Cistercians were the Puritans of mediæval Christendom, then the Mendicants were the popular Revivalists, and in the institution of their Orders they were no less revolutionary than their puritanical predecessors. Indeed, the friars went much farther than the reforming monachists. In their early years they took their stand behind the principle of Evangelical Poverty, and being forbidden to have corporate property they relied solely upon the alms of the faithful for their maintenance. Moreover, they ignored the Benedictine vow of Stability; the whole world became their cure and they heeded neither episcopal nor parochial borders. Popular preaching characterised their ministrations to the poor, and it is significant that with this end always in view the Dominicans and Franciscans laid stress upon education, the former even going so far as to shorten the services and abolish manual labour in order that time might be available for study. The number of Mendicants Orders that came into existence during the thirteenth century alarmed the Papacy, and at the Council of Lyons (1274) Pope Gregory X suppressed all begging Orders except the Four Orders of St. Dominic, St. Francis, the Blessed Virgin Mary of Mount Carmel, and the Friars Hermit of St. Augustine.

The Dominicans or Order of Preachers were founded by St. Dominic of Calaroga to combat the heresy of the Albigenses. The founder had been a Regular Canon of the diocese of Osma, and in consequence the Dominican Rule is based upon that of St. Augustine, though the Constitution followed very nearly that of the Premonstratensians. The Dominican mission landed in England in 1221 in the train of Peter des Roches, Bishop of Winchester; and with their usual insistence upon the value of learning the Dominicans took up their headquarters at Oxford, which at that time was a growing *studium generale*. At the outset the spread of the Order was slow; but after the advent of the Franciscans their expansion became more rapid, and by the end of the fifteenth century more than fifty Dominican convents had been founded. The Franciscans differed from the Dominicans, since they were originally an Order of lay penitents: their importance in mediæval history is due to the great personality of their founder St. Francis of Assisi, who formed his followers

into an Order closely resembling that of the Dominicans. St. Francis, however, laid greater stress upon the spiritual value of evangelical poverty than St. Dominic; and it is evident that this strict adherence to poverty, passed over by a later Pope, proved the undoing of his followers, who were quite unable to live up to his high ideals. The Franciscan mission reached England three years after the Dominicans had established themselves at Oxford. Three settlements were made—Canterbury, London, Oxford. During the first fifty years of their existence in England the Franciscans laboured diligently to minister to the needs of the poor in both urban and rural districts. By the end of the fourteenth century they had nearly sixty settlements in England and Wales. The Carmelites and Austin Friars differed from the Dominicans and Franciscans, since they at first preferred the eremitical to the cœnobitical life. The former Order had been established in Palestine, and their Rule was based upon that of St. Basil of Neo-Cæsarea. The Carmelites appeared in England about 1240, and a little more than five years later the first General Chapter of the Order was held at Aylesford. For some years England was the centre of Carmelite activity. In all they possessed some fifty houses in England. Numerically the Austin Friars were the weakest of the Medicant Orders in England, their houses never exceeding thirty-five to forty. This is strange, because in other European countries they enjoyed a great popularity, and it is said that the number of their friaries ran into thousands. The Austin Friars came to England about 1249.

2. The Need of Reform

There is a great deal of truth in Mark Antony's famous words —" the evil that men do lives after them, the good is oft interred with their bones." This is true of the Religious Orders: their vices are noted by their contemporaries and are perpetuated by their enemies; their virtues are hidden from view. There has, however, been a tendency among mediævalists—and particularly those who write of the mediæval Church—to read into Antony's words more than is justified. They have eulogised Monachism, and refused to see the many faults of the mediæval Religious. They regard the Religious Life as a glorious ideal (which indeed it was when dominated by a St. Benedict, a St.

Bernard, or a St. Francis), and pass over rapidly or sometimes ignore altogether the actions of ill-famed Religious like the Prior of Walsingham or the Abbot of Tavistock. They forget that many mediæval Religious saw the necessity of reform, and attempted to work a reformation from within the Church. Cluni and Cîteaux stand for a reformed Benedictinism; Calaroga and Assisi for the reform of the Church in general; St. Bernardino of Siena and St. Giovanni da Capistrano for the purging of the Franciscan Order. Doubtless many nameless Religious attempted similar work, perhaps in a small way, but it would seem that their labours were in vain. When enthusiasm waxed, then the Religious approached most nearly the perfection that their Founders desired; but when enthusiasm waned (and all religious revivals are ephemeral) there was a steady departure from those ideals. More plainly stated, decay appeared.

If the evils of the cloister or the friary appear to be unduly stressed in this Essay, it is not to heap scorn or opprobrium upon the heads of the mediæval Religious, but because it is needful to emphasise the decay that was prevalent (despite the efforts of apologists to prove the contrary) during the later Middle Ages. Nothing is to be gained by garbling history in order to live up to the false ideal of a Merrie England in which the ordinary man was a child of boundless faith. To believe this means there has been no advance in civilisation since the Middle Ages—a view that is as absurd as it is unhistorical. Thus, in order to estimate the extent of the decadence of the Religious Orders, a short examination will be made of the way in which the Religious lived up to the ideal of their Founders.

The Rule which governed every Religious Order contained the three great vows of Poverty, Chastity, and Obedience, though the emphasis laid upon Poverty varied considerably from Order to Order. Every Religious when he made his profession took these three vows; and so long as he kept them he could justly declare that he was adhering to the ideal of his Founder. It must be remembered that decadence of the Religious Orders can only be measured by the tendency of the Religious to depart from the Rule. Thus, if it can be shown that there was a steady falling away from the Rule, then it is no exaggeration to say that decadence existed, and if it existed then there was need of reform.

It is significant that the later revivalists among the Religious —particularly those who founded the Cistercian and Franciscan Orders—stressed the need of a life of evangelical poverty. Why ? For no other reason than this : they knew that spiritual perfection (and that was the *raison d'être* of the Rule) was impossible in a community that was overburdened with riches. The party that settled in the marshes of Cîteaux were rebels against a system that prevailed at Molesme—and that system, in their opinion, prevented a life of spiritual perfection. It is not surprising, therefore, that the Cistercians, when they drew up their constitution, made an attempt to guard against worldliness. Nevertheless the very evil that they would avoid manifested itself before the Order was a hundred years old : in 1191 the General Chapter of the Order thought fit to make a declaration of policy on this matter, and condemned the practice of acquiring estates because " the Order has the reputation of never ceasing to add field to field, and the love of worldly goods has become a scandal." Throughout the Middle Ages the Cistercians retained this reputation of covetousness. The much travelled Guyot de Provins wrote that " these monks (the White Monks) I have seen put pigsties in churchyards, and stables for asses in chapels. They seize the cottages of the poor and reduce them to beggary." We do not know to what particular Order Chaucer's monk belonged ; he certainly is not a credit to any Order—even when allowance has been made for the fact that Chaucer was a professional satirist. The monk of *The Canterbury Tales* is more like some great lord than a contemplative Religious ; and it will be recalled that in his cloak he wore " of gold y-wroght a curious pin "—an ornament little in keeping with his station. A more glaring, and at the same time more pitiable, disregard of the vow of Poverty may be taken from the pages of Franciscan history. St. Francis himself had enjoined the strictest poverty—indeed, so strict that the Pope hesitated for a while before he would sanction it. Nevertheless it did eventually receive papal sanction, and according to St. Thomas Aquinas it was impossible for a Pope to dispense the Rule of St. Francis. John XXII thought otherwise, and in 1317 he reversed the ruling of his predecessor and ordained that it was heresy for any Franciscan to refuse to beg for his friary. This decree split the Franciscan Order ; but

those who refused to forsake the Rule of St. Francis not only found themselves expelled from the Order but some of them were actually treated to the heretics' death. That a faithful few (and, as Dr. Coulton remarks, they must have belonged to a minority movement, since it is hard to believe that a minority could inflict punishment upon a majority) succeeded in winning recognition for themselves was due to the efforts of St. Bernardino of Siena and St. Giovanni da Capistrano. The strength of the reformed Franciscans—the Observants—was due to the fact that they adhered to the ideal of their founder, and with the Carthusians (a Religious Order that always appears to have ordered itself strictly) they alone of the Orders were brave enough to resist the rapacity of Henry VIII and his satellites. We would like to think that all the mendicant Religious were like the Observants, but in the face of the evidence of contemporaries—Chaucer, Wiclif, Langland and Jacke Upland—such a view is impossible. The series of questions to the Friars, supposed to be the work of Jacke Upland, will give a good picture of the state of the Mendicants. One of his many pertinent questions will be quoted here :

> "Why make yee so costly houses
> To dwell in, sith Christ did not so,
> And dede men should have but graves,
> As falleth it to dede men?"

Nor did the mediæval Religious show any more regard for the vow of Chastity. This postulates that there is historical justification for the view, put forward by Henry VIII and his apologists, that the morals of the majority of the Religious houses were of the lowest order. Perhaps we shall approach nearer to the truth if we say that there is a half-way point between the views of those who maintain that Monachism was perfect, and those who assert that it was morally rotten. A study of contemporary records will compel the historian to declare that that half-way point is perhaps nearer the views of those who condemn than of those who, by keeping silent, would appear to approve. Two considerations must be noted. In the first place, the absence of a complete set of diocesan records for any given period of time and for the whole country makes it difficult to come to a general conclusion; and secondly,

the evil deeds are recorded but the deeds of the good have been "interred with their bones."

The sin of incontinence was not uncommon among the Religious as early as the ninth century; we have already remarked that scandals in dual monasteries were frequent in England during that period. The dual system, however, was a dangerous expedient, as we see from the action of the Cistercian General Chapter in 1247, when it refused to accept a dual house into the Order unless the monks and nuns were separated in different monasteries. The danger of what Dr. Coulton calls the "eternal Feminine" was apparent to all rulers of Religious Orders: for example in 1270 the Cistercian General Chapter decreed "with regard to the statute long since promulgated beginning *mulieribus omnino*, let it be inviolably observed, better than it is usually kept throughout all the houses of our Order." Cîteaux, like Cluni, was struggling to enforce the Lateran decrees —and particularly the decrees relating to celibacy. The thirteenth century was the age of the fight to maintain a celibate priesthood, and judging by the frequent entries in the records of the English Councils the reforming party in the Church found that fight a strenuous one. The success of the movement might be measured by the entries made in the episcopal registers; that it was slight will be seen from the Visitations of Grandisson, Bishop of Exeter in the fourteenth century, or from the Visitations of Nicke, Bishop of Norwich at the beginning of the sixteenth century. These two documents show clearly that the celibate ideal had not been followed by parish priests and Religious. The Visitations of Grandisson, dealing as they do with the period immediately prior to the Black Death, give the lie direct to those who blame the Pestilence for the decay of religion; the Visitations of Nicke were made on the eve of the Reformation, and they help us to estimate the truth of Cromwell's and his satellites' contention that the monasteries were immoral. Moreover, both show, as Dr. Coulton notes, that punishment was seldom exacted for gross sins of incontinence.

Grandisson in 1334 wrote that William de Bittendene, the Prior of St. James' Priory near Exeter, was "oftentimes convicted of embezzlement and fornication"; yet four years later this man was still in charge of the priory. In 1345 the Abbot of

Tavistock is reported as being guilty of consorting "day and night with secular persons, even of suspected morals, in damnable contempt of our former mandates." Grandisson was a genuine reformer, and we can sympathise with him when the Abbot of St. Martin des Champs in Paris appointed in 1332 to the Priory of Barnstaple a renegade monk, John Soier, who was guilty of repeated acts of incontinence and was the father of a family. Bishop Nicke's report does not indicate that the state of affairs was better in the sixteenth century. Not only in the Cathedral Priory of Norwich, did "suspicious women have access to the house of the guest-master," for we read also that "religion and chastity are not kept, through the fault of the sub-prior who giveth an evil example." During his Visitations Bishop Nicke proved no less than 33 cases of incontinence among the Religious in his diocese—the worst offender undoubtedly being the Prior of Walsingham, an embezzler, thief, murderer, and fornicator! The Visitations of Bishop Redman to the Abbey of Beauchief near Sheffield make happier reading. In May, 1472, he reports that he found the community "joined together in the bond of charity, love and peace;" and in the following July he reported as follows: "We found the Abbot a venerable and wise man, careful in the observance of discipline and both skilful and prudent." But in October in the same year, when the Abbot of Welbeck visited Beauchief, he found abuses that required remedying—particularly the practice of the Canons going outside the precincts of the house and taking so much to drink at night that they could not keep awake during Mattins. Much, of course, depended upon the character of the ruler; "the venerable and wise man" whom Bishop Redman found at Beauchief in 1472 would be an influence for good: but can we expect anything good from the monks of Walsingham under the rule of their notorious Prior? Generally speaking, the morals of the Friars were no better than those of the monks—indeed, if we remember the famous remark of Chaucer about the Friar's familiarity "with worthy wommen of the toun," it would seem that of the two they were less in favour of strict continence. The evidence of Chaucer, in some quarters, is regarded as suspect, but there can be no question of suspicion attached to the evidence of Ubertino da Casale, who wrote to the Pope at the beginning of the fourteenth century that "so high has the

flood of idleness and gluttony and continued familiarities with women risen, that I rather wonder at those who stand than at those who fall."

It is possible to add many instances of the breakdown of monastic chastity, but are they necessary? Before passing judgment we must try to arrive at a standard of morals for the Middle Ages. The incontinent monk or friar was the victim of his age, and his age was not one characterised by high morality. Examples of incontinence in high places are not hard to seek. It certainly did not inspire the Religious to hold fast to their Rule when they knew that a man like Balthasar Cosa, who had disgusted the Romans with his excesses, had risen to the exalted position as Head of the Catholic Church. The immoralities of Alexander VI are well known: nearer home we have the case of Robert Burnell, Bishop of Bath and Wells, who fathered a long family. There must also have been some consolation in the knowledge that an unchaste priest could consecrate the Sacred Elements without defiling them; whilst Mary Legends sometimes taught that an incontinent priest was aided in his sin by the Blessed Virgin Mary herself. The fact is that the Rule was too strait in the matter of chastity: it ignored the sound common sense of St. Paul's teaching.

"On this matter," writes Dom Cuthbert Butler, when discussing the vow of Obedience, "on this matter St. Benedict's teaching is unmistakable and very downright. In c. LVIII he explains as follows the obedience that is vowed: 'If he promise to keep the Rule in all things, and observe all commandments laid upon him.'" As Dom Butler says, the "teaching is unmistakable and very downright"; obedience means nothing less than absolute obedience to the Rule. There are no extenuating circumstances to be considered; nor is mention made of the abbots' right (claimed by the Cluniacs) to make modifications in the Rule. Those who would obey St. Benedict's Rule must obey it in every particular. It seems unnecessary, therefore, to proceed with this matter further, for in the foregoing remarks it has been shown that the Religious in the Middle Ages, taking them as a class, did not obey that Rule, except during those short periods of pristine enthusiasm.

Many causes contributed to the decay of the Religious Orders, but only two will be mentioned here. First, much of

the decadence of the later Middle Ages was due to the men who founded the Orders. They were exceptional men, and they legislated for exceptional men. St. Benedict might declare that there was "nothing harsh, nothing burdensome" in his "very little Rule for beginners," but that was his own personal judgment. His standard was high, though he himself thought that it was attainable by all. St. Benedict was a true Christian, but he was also an idealist, and he forgot that the majority of mankind is weak and sinful. What he could easily accomplish himself was oftentimes too great a burden for his followers. He chastised himself with whips; he chastised his followers with scorpions. Cluni would appear to have seen this danger of an overstrict adherence to the Rule, and she gave to the head of the Cluniacs wide discretionary powers that were, it is true, quite contrary to the teaching of St. Benedict. Cîteaux was less accommodating; but here again the cause was the remarkable St. Bernard. Another remarkable man was St. Francis, whose ideal of poverty might conform to evangelical requirements, but was quite impracticable in a world that did not practise poverty. Chaucer was only giving vent to the opinion of many a Religious when he said of the Monk:

> "The reule of Seint Maure or of seint Beneit,
> By-cause that it was old and somdel streit,
> This ilke monk leet olde thinges pace,
> And held after the newe world the space."

In the second place, the monastic movement did not keep pace with the spirit of the age. The mediæval world was a coarse world, full of lust, oppression and crime, and from this world men fled to the seclusion of the cloister. But only the exceptional characters left their worldly tendencies outside the abbey gate. When feudalism seized hold of Western Europe the monastic movement did, owing to the farsightedness of St. Benedict of Aniane, perceive that the future of monasticism lay in feudalised Orders. As time went on, in the outside world economic and political forces were at work undermining the feudal character of society; yet monasticism clung fast to the old ideas. It stood for the corporate idea in religion; each house of monks or of friars was an *imperium in imperio* strenuously opposed to individualistic tendencies. Growing

individualism, however, was to prove stronger than collectivism : its victory over Religious collectivism took place when Henry VIII overthrew the Religious Orders ; and it should be clearly borne in mind that Henry VIII was not overthrowing a sixteenth-century institution, but an anachronism. How he came to do it is another matter, and this is not the place to defend or condemn his action. The wealth of the Religious Orders undoubtedly attracted him, and he was unscrupulous enough to go to any extremes to obtain that wealth ; but is it pertinent to ask by what right had the Religious Orders accumulated wealth ? This is not an easy question to answer. And, let us suppose for a moment that the Religious had followed the Rules of their founders and possessed none of those worldly attractions ; would they still have been dissolved by Henry VIII ? The answer to this question is necessarily a speculation : we must not forget that each Religious Order was an *imperium in imperio*—in other words it was diametrically opposed to the Tudor idea of the Nation State.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

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ESSAY IX

MEDIÆVAL EDUCATION

In the Middle Ages the only education authority was the Church, the patron and censor of all scholarship. This does not mean that the education given was what we would to-day call "religious education"—a phrase that has caused fierce and acrimonious controversy in our own times—for such was not the case. The Church in the Middle Ages fostered education because churchmen were compelled to acquaint themselves with the literature of Christianity, the Latin version of the Scriptures made by St. Jerome and the writings of the Fathers. Priest and monk had to be taught how to understand these writings; the boys, acting as choristers in cathedral and monastic churches, how to chant intelligently the services of a Church that had adopted the language of Rome.

A cursory glance at the curriculum in a mediæval school will show how far the Church dominated scholarship. The *Seven Liberal Arts*, "as necessary to the Church as the ἐγκύκλιος παιδειά, the circle of arts and sciences, had been to pre-Christian culture," were culled from the *Trivium* and *Quadrivium*. The former included the study of language, that is grammar, rhetoric, and dialectic; the latter music, arithmetic geometry and astronomy. The limitations of a mediæval text-book were considerable, and the shallowness of the subject matter will confound a modern student owing to the strange admixture of fact and fable and the entire absence of scientific presentation. Indeed scientific presentation was not necessary; mediæval students expected the path to knowledge to be a difficult one along which they would move cautiously. It will be seen that the subjects in the *Trivium* and *Quadrivium* have an ecclesiastical bias. We have already noted the importance of grammar. Rhetoric and dialectic were no less important in the make-up of a churchman. Music enabled him to participate in the services of the Church; astronomy and arithmetic helped

him to arrive at the correct date on which Easter would fall each year; and geometry stood him in good stead when he undertook the work of church construction.

The text-book from which grammar was taught was the *Ars Minor* or *De Octo Partibus Orationis*, written by the pagan Aelius Donatus in the fourth century. Though it was rivalled by the *Doctrinale* of Alexander de Villa Dei, who wrote about 1200, the *Ars Minor* remained the handmaiden of scholarship for nearly eleven hundred years. The *Doctrinale* was a popular text-book in the fourteenth century, when it replaced the *Minor and Major Treatises* of Priscian.

The adoption of Latin as the official language of the Church led to the introduction of a profane element into mediæval education. The works of pagan authors were read alongside the definitely Christian writings. We know, for example, that Alcuin was acquainted with the works of Cicero, Vergil, Pliny, and Lucan; and we can be certain that Alcuin's knowledge of profane literature was not exceptional. "Pan and Priapus," declares Professor J. W. Adamson, "were very real to the Christian of the fourth century." If he had said that they were very real to the student of the fourteenth century he would not have been guilty of gross exaggeration. Many mediæval churchmen were alive to the dangers that would result from this dualism: but so long as Latin was the vehicle of Religion and Thought it was impossible to prevent the mingling of sacred and profane philosophy. Miss Helen Waddell, in a scholarly account of the *Vagantes*, has shown how far paganism pervaded the work of the mediæval lyricists.[1] Here we have a real survival of the grandeur that was Rome.

The use of Latin by scholars made it the international language of scholarship. A student at Oxford could make himself at home in the universities of the Continent; there was no tiresome language barrier across the path of scholarship. Latin, at the hands of the mediæval churchmen, underwent great changes, and there emerged Mediæval Latin, a language ridiculed by later scholars who were purists and clamoured for the strength and purity of Ciceronian and Vergilian Latin. This criticism notwithstanding, we must not forget that Mediæval Latin was the language of profound thinkers like

[1] Helen Waddell: *The Wandering Scholars.*

St. Bernard, Abelard, Aquinas, Duns Scotus and Roger Bacon ; and through it they delivered the burden of their Thought to throngs of eager pupils who had gathered around them. Moreover, by reason of the fact that it was the language of the great Roman jurists, it was the language of the lawyers—and in certain legal phrases it persists to this day. Finally, Mediæval Latin was the language in which some of the greatest of the orations in Church history were delivered, notably by the canonists assembled in the various General Councils of the Church.

Before discussing the development of education in mediæval England we will pause to examine the manner in which the Church exercised its control. Since the Church alone was interested in education it was natural that the first schools should spring up near a settlement of churchmen—priests, monks, cathedral clergy. Two types of school might be found near a cathedral, namely the " grammar " school and the " song " school. In a monastery these types might be merged into one ; whilst in the townships and rural parishes the parish clergy would content themselves with giving instruction to the younger members of their cure in the fundamental services of the Church and her doctrines. The Church, always alive to the value of orderliness, quickly assumed control over all educational activity. The bishop of the diocese was in theory the director of education, but since the calls upon his time were numerous he delegated that authority to a member of his chapter, usually the chancellor, who was known as the *scolasticus*. This official assumed complete control over education within the confines of the diocese. The " song " school at the Cathedral or monastery was under the control of the Precentor.

The authority of the *scolasticus* was wide, and elaborate steps were taken to safeguard his authority. No school could be established without his licence. In the earlier period this licence to teach was given gratuitously. Moreover attempts were made to make education static : a canon of 960 ordained that " no priest receive a scholar without the leave of the other by whom he was formerly retained "—an early attempt to counteract the evils resulting from the haphazard peregrinations of scholars. In the same century an ordinance urged mass priests to keep schools.

The concern of the Papacy in education is clearly defined in

the letter that Alexander III sent to Henry de Blois, the Bishop of Winchester in the twelfth century. "In future," the Pope wrote, "be more careful to see that nothing be demanded or even promised for the licence to teach anyone. If thereafter anything is either paid or promised take care that the promise is remitted and payment restored, such charge being null and void, knowing what is written, 'freely thou hast received, freely give.' Indeed, if anyone by reason of such a prohibition delay the institution of masters in fit places, you may, by our permission, disregarding all gainsayings or appeals, appoint in such places, for the instruction of the people, prudent, honest and discreet men." Canon VIII, promulgated at the General Council held at Westminster in 1200, strikes the same note: "let nothing be exacted for licences to priests to perform divine offices, *or for licences to schoolmasters.* If it have been paid let it be restored." Yet, two hundred years later, we come across evidence which proves that the ecclesiastical control had broken down: the Statute *De Hæretico Comburendo* called the attention of Parliament to the existence of schools set up by "divers false and perverse people of a certain new sect."

The truth is that this ecclesiastical control was only effective as long as the Church actively continued to foster education—and the reader should remember that in the later Middle Ages, when decay appeared in the fabric of the Church, activity in education, like activity in religion, was not to be expected. Ideals had been shattered, and abuses appeared. We have already seen how ecclesiastical rulers fought against the evil practice of making profit from education. It was symptomatic of the disease of avarice which laid the mediæval Church low. Dr. Coulton has shown conclusively how the monasteries tended to limit their educational activity to the instruction of those young boys who were intending to enter the Order to which the house belonged.[1] Nor would children in rural parishes derive great profit educationally from a priesthood, many members of which were illiterate.[2] We shall see when

[1] See G. G. Coulton: *Mediæval Studies* (*First Series*), pp. 69 et seq.

[2] At the Provincial Council of Oxford, 1222, it was urged that "the archdeacons at their visitations see that . . . the priests can rightly pronounce at least the formula of consecration, and that of baptism, and that they clearly understand the meaning of these two formulas." This is clearly an indication that certain priests were of such a low standard of education that they could not understand the meaning of the words.

we come to discuss the rise of the mediæval schools how a few zealous churchmen and benevolent laymen sought to supply the deficiency.

1. Education Before the Normans

What centres of learning existed in Britain before the departure of the Roman legions, and from that event to the coming of the Anglo-Saxons, we have no means of determining with accuracy. Yet when we find men like Gildas, a native, writing fluently in Latin and showing a wide knowledge of affairs, we are justified in assuming that the torch of learning burnt fiercely even in those days. Moreover, in the Celtic districts of Wales there certainly did exist a number of schools wherein native verse was studied.

With the advent of the mission of St. Augustine in 597 the educational system of the mediæval Church came to these islands. Near the church at Canterbury there grew up a " grammar " school in which converted Saxons and Jutes intent upon entering the priesthood would receive the necessary instruction ; and there must have been a " song " school near at hand where the choristers learnt how to chant the services in Latin. As the mission pushed its way into the interior, so did the cause of learning advance ; for missionaries, if their efforts are to bear fruit, must be teachers as well as preachers.

But it was Theodore of Tarsus, appointed to the archiepiscopal see of Canterbury in 668, who gave the greatest impetus to education in those early days. Theodore enjoyed the reputation of being one of the ablest Greek scholars of his age, and when he came to England he brought with him another able scholar, the Abbot Hadrian. Together they pushed forward a scheme of educational reform, and established a school at Canterbury (it would be more accurate to say that they made use of the older school) which came to be famous for the excellence of its instruction, more especially in Greek. It was in that school that some of the ablest scholars of the period were educated, notably Bishop Aldhelm of Sherborne, reputed to be one of the widest read men of that age. The greatness of the work of Theodore and Hadrian is illustrated by Bede's encomium, written some fifty years after their death. It is well known, yet it will repay quotation here. " And forasmuch as

both of them were well read both in sacred and secular literature they gathered a crowd of disciples and there daily flowed from them rivers of knowledge to water the hearts of their hearers; and, together with the books of holy writ, they also taught them the arts of ecclesiastical poetry, astronomy and arithmetic. A testimony of which is, that there are still living at this day, some of their scholars, who are as well versed in the Greek and Latin tongues as in their own, in which they were born. . . . And all who desired to be instructed in sacred reading had masters at hand to teach them." [1]

It was undoubtedly as a result of the sound educational reform of Theodore and Hadrian that England during the eighth century passed through a golden age of learning. At Monkswearmouth and Jarrow were Benedict Biscop and Bede; while at York Alcuin attracted not only crowds of eager scholars but also Charlemagne, who invited him to organise a system of education within the Frankish realm. The library at the Minster school at York was famous for the number of volumes that it contained; and it is interesting to record that in Alcuin's time such subjects as grammar, rhetoric, astronomy, music, arithmetic, law, natural philosophy, natural history, and divinity had a place in the curriculum of the Minster school.

The Danish ravages in those parts of England where monastic and cathedral schools existed were destined to act as a serious setback to learning in England. The complaint of the lack of educated priests in Alfred's reign has already been quoted; [2] and one of the reforms that the king undertook was the re-establishment of an educational system that would minister to the needs of his subjects. He himself played no small part in the revival of learning that began in his reign; and his efforts were duly rewarded, for in the century following his death the torch of learning shone brightly in the land. The school at Glastonbury was one of the most famous. There St. Dunstan received his early education before he proceeded to the court of King Aethelstan to receive a more advanced course with the sons of the nobility. This practice of sending young boys to the court of a king or powerful nobleman was encouraged

[1] Bede's *Ecclesiastical History of the English Nation* (Everyman Edition, p. 164).

[2] See p. 138, note 2.

by Alfred ; in the Middle Ages it continued, and these domestic schools became the centres at which the lessons and rules of chivalry were taught to aspirants to the order of knighthood.

The strongest piece of evidence in support of the theory that education was widespread in the land in the century before the coming of the Normans is to be found in the appearance of two Latin text-books, locally written, and specially designed to meet the needs of English boys. The books were the *Sententia Latini Sermonis* or *Colloquy*, and the *Excerptiones de Prisciano Minore vel Maiore* or the *Grammar*, and the author was the Abbot Aelfric, a pupil of Bishop Aethelwold of Winchester, one of Dunstan's friends and fellow-workers in the reformation of the schools and churches that took place during his rule.

2. Education after the Norman Conquest

A conquering race seldom shows appreciation of the cultural institutions of the conquered. The Normans, true to type, showed little sympathy towards the Anglo-Saxon educational institutions. They were the standard-bearers of a new culture, and in the train of the conquering soldier came some of the greatest minds of Normandy. Lanfranc of Bec was a profound theologian, and by the subtlety of his argument confounded the heretic Berengar of Tours ; many of the abbots and bishops whom William and Lanfranc sent to English benefices had won high academic distinction in the Norman schools. These men brought England again into the mainstream of the educational activity of the Catholic Church, rejuvenated by the work of the Benedictine revivalists and fired with the enthusiasm of the Hildebrandine ideal.

The conquerors, however, made one fundamental error : they attempted to impose a foreign language, Norman-French, upon the conquered people. It was a near-sighted policy, for the Anglo-Saxon race possessed a literature of great beauty of expression and one with a strong tradition. Strong kings compelled the people to accept the change : later the attempt to conquer France made the use of Anglo-French a matter of expediency, and the bond between the usurping language and the conquered race was strengthened. Nevertheless, Anglo-Saxon was too full of vitality to die, and in the end it triumphed, emerging from

its enforced slavery free and unfettered, yet enriched by reason of its bondage. The actual death blow was dealt by John Cornwall, a master of grammar at Merton College in the University of Oxford, of whom John de Trevisa wrote as follows: "For John Cornwall changed the learning in grammar schools and instruction of French into English; and Richard Pencrych learned that manner of teaching from him, and other men of Pencrych, so that now, the year of our Lord, 1385, the ninth year of Richard II, in all the grammar schools of England children leave French and construe and learn in English."[1] The work of John Cornwall and Richard Pencrych was carried on by Wiclif and his followers, who gave the people translations of the Bible in their own tongue and taught from those translations in the schools they had set up.

During the twelfth century what might for convenience be called popular education was greatly expanded; and during that century we have evidence of the existence of an embryonic secondary school system of education. This outburst of activity was due to the educational zeal of the churchmen. Every collegiate church set up a "grammar" school; many "song" schools as well. Mr. A. F. Leach has told us that there was as early as 1120 a "grammar" school at Bedford, another at Warwick in 1123, and in 1137 no less than three in London.[2] Educated Englishmen, the products of such schools, found their way to the *studia generalia* or universities on the Continent, where they enjoyed a great reputation on account of the high standard of their learning. The best known was John of Salisbury, a pupil of Peter Abelard; and he played a conspicuous part in the revival of learning that characterised the schools of Paris in the twelfth century. Readers who are interested in the scope of the curriculum then in vogue will find much more interesting detail in his *Metalogicus*.

The driving force behind the activity of the churchmen was the Papacy. Mention has already been made of the famous letter of Alexander III to Henry de Blois of Winchester. The sentiments of that letter were loudly acclaimed in the councils of the Church. For example, the Third Lateran Council of 1179 ordained that in every cathedral or other school to which

[1] Quoted from J. W. Adamson: *A Short History of Education*, p. 67.
[2] H. W. C. Davis: *Mediæval England*, p. 437.

schools were attached a master was to be appointed to instruct without fee the " poor clerks " belonging to that church. The same principle was maintained forty-six years later at the Fourth Lateran Council; and in the Decretals of Pope Gregory IX (1227-1241) it was directed that the parish clergy were to see to it that they had clerks capable of keeping schools and that the children of the parishioners were brought to these schools " *ad fidem discendam* "—the faith consisting of the *Credo*, the *Pater Noster*, and the *Ave Maria*. It was a genuine attempt to establish a sound educational system, but the Church was unable to continue that work. One thing is certain: between 1200 and 1350 there was among people of all classes in England a genuine thirst for education. The Church, gilds, and private benefactors, all attempted to assuage that thirst by the provision of schools. The danger of the educational system becoming too democratic was speedily noted and steps were taken to hold education within bounds—which meant to the nobility and powerful churchmen to confine education to the privileged classes. In the Constitutions of Clarendon complaint is made that villeins were admitted to Holy Orders without the consent of the manorial lord—a piece of evidence which proves that the poor were able to receive some kind of education. The cynical Walter Map also voiced the same complaint and deplored the spread of knowledge to the poorer classes. Can it be that the village schools were doing more than historians have hitherto imagined?

Paradoxically, the very institution that had given the poor a craving for knowledge soon found itself compelled to stifle that craving. Once interested in learning, the people did not pause to discover if their teacher had been licensed by the diocesan *scolasticus*, and there arose a class of lay schoolmasters who contested the right of the Church to prohibit the spread of learning unless at the hands of a licensed teacher. As early as 1304 the Church found herself forced to take serious action against this lay element. During the fourteenth century that struggle increased in intensity. The rapid rise of the *studia generalia* at Oxford and Cambridge aided the anti-Church party, for men not in Holy Orders had studied in those centres and were anxious to impart their knowledge to less fortunate neighbours. The loss of vitality in ecclesiastical life aided the movement, which was slow yet sure. In 1410 one of the justices

of the Court of Common Pleas, giving judgment in the Gloucester Grammar School Case, declared that "to teach youth is a virtuous and charitable thing to do, helpful to the people, for which he cannot be punished by our law." His two brothers on the bench assented. Four years earlier Parliament had opened the doors of learning to all sorts and conditions of men when it ordained that "every man or woman, of what state or condition that he be, shall be free to set their sons or daughters to take learning at any school that pleaseth them within the realm." The choice of school, still the prerogative of the parent was safeguarded. But in those words do we hear an echo of the rising of the villeins in 1381 ?

The fifteenth century is in the field of education barren of great achievement. Yet we must not forget that Henry VI set his subjects a good example in the foundation of Eton, and that there arose a number of small schools attached to chantries. When we say that the century was barren of great achievement we mean that nothing was done to extend the scope of popular education. It was recognised and fostered to some extent; but it was not greatly expanded. The truth is that the fifteenth century was too unquiet a time for the serious student; the Wars of the Roses claimed the attention of the strong, and they interfered with the studies of the weak. A gentle filtration of continental ideas will be noticed. Men like Humphrey, Duke of Gloucester, and John Tiptoft, Earl of Worcester, did much to bring Italian culture to England; they were, in reality, the advanced guard of the Renaissance. Finally, at the end of our period, there appeared the printing press of Caxton. Scholars would no longer lack material for the pursuit of knowledge; and as the gates of learning were flung open wide the last vestiges of clerical control were challenged.

3. The Rise of the Universities

The mediæval *studium generale* or university was evolved by scholars during the twelfth and thirteenth centuries. A *studium generale* must satisfy two conditions. In the first place its doors must be open to students from all parts of the world; and secondly its courses of studies must be organised into faculties, the teachers in which are banded together into

gilds or corporations. The *studium generale* which was established at Oxford sometime towards the close of the twelfth century owed its inception to the older body at Paris. English students, as we have seen, were in the habit of attending the lectures of the French masters at Paris, and it was through these students that the idea came to England. The foundation of the Oxford *studium generale* was more the result of accident than design. About 1167 Henry II issued the following injunction : " Let all clerks who have revenues in England be warned to come back to England, as they love their revenues, there to enjoy the same ; and, if they return not within this term, let their said revenues be confiscated to the royal treasury. Let this be done throughout all the countries of our realm." [1] Henry II, at that time, happened to be at enmity with the king of France. A general migration from Paris to England followed, and the scholars seem to have selected Oxford as the most suitable centre for their schools. To know precisely what happened is impossible without further evidence. Giraldus Cambrensis, however, mentioned that there were at Oxford in his day doctors, masters, and scholars, and from that we assume that the foundation of the English *studium generale* had been laid.

Oxford had previously witnessed a certain amount of educational activity. Between 1101 and 1117 Theobaldus Stempensis had taught some sixty to a hundred pupils ; and in 1133 one Robert Pullus taught divinity in the town. It may have been that the distinguished jurist Vacarius also gave lectures in Oxford about 1149 ; but it is difficult to determine this point with accuracy. Yet these schools cannot claim to have been the components of a *studium generale* as that institution was understood in the Middle Ages. They were probably private ventures conducted by teachers who had been trained on the Continent and who knew the organisation of the foreign *studia generalia.*

The geographical situation of the Oxford *studium generale* favoured its independent growth. Theoretically the director of education was the *scolasticus* at Lincoln, but the greatness of the distance made his control ineffective. The control of the diocesan bishop was now vested in a chancellor, who was

[1] Quoted from G. G. Coulton : *Social Life in Britain from the Conquest to the Reformation,* p. 58.

elected by the doctors and masters : the bishop, however, had the right to confirm or reject their nomination.

In the Middle Ages the exuberant moments of the scholars generally ended in bloodshed, and violent fights took place between members of the university and the townsmen. In 1209 a woman of the town was killed, accidentally or not is not known, and a violent fight between Town and Gown ensued. John, at that time defying the might of the Church, sided with the Oxford townsmen, who wreaked vengeance upon the scholars for the deed. In consequence the masters and students left the town. Some settled at Reading, others at Stamford, and others at Cambridge. The Cambridge settlement was the strongest, and between 1209 and 1214, when many students again returned to Oxford, the foundation of the Cambridge *studium generale* was laid.

The coming of the friars stimulated the life of the Oxford *studium generale*. They realised the importance of education, but they also advocated a more scientific education than was in vogue in the schools of the European universities. Natural science, crude though it might be in the thirteenth century, was a popular subject with the mendicants. The first Dominican house was founded at Oxford in 1222 ; four years later the Franciscans emulated the example of the Dominicans. Both orders produced scholars of outstanding merit, and their labours caused scholars on the Continent to applaud their efforts and follow their lead in the study of the arts and sciences. At thirteenth century Oxford there were intellectual giants like Robert Grosseteste, Adam de Marisco, Alexander Hales, John Peckham, Duns Scotus, Ockham, and Roger Bacon—the last one of the outstanding minds of the Middle Ages.

The evolution of the college system, so intimately connected with the life of Oxford and Cambridge, did not take place immediately. The earliest students lived where they could, usually in cheap lodgings in the town. The ideal of a common life was strong in the Middle Ages, and students at Oxford and Cambridge adopted it on account of its cheapness. Thus there came into existence the practice of a number of poor students living together under the rule of an elected head, who in course of time was always a Master of Arts. The idea stimulated the wealthy to activity, and benefactions were made to enable poor

students to live cheaply at the *studium generale* during the period of their studies. The friars, in particular, had realised the need of a college system, but it was not until 1263-4 that the first Oxford college was erected by Walter de Merton. The first Cambridge college was Peterhouse, founded in 1284. A hundred years later the perfect college plan was evolved by William of Wykeham, the founder of New College. Wykeham also ensured a steady supply of students for his foundation by the erection of a " grammar " school at Winchester.

Finally let us examine the method of study and the curriculum in use at the *studia generalia* of mediæval England. The lecture was the method employed by the master in the teaching of his pupils; and disputations were the means of examining them. Logical reasoning and subtle argument were the most powerful weapons in a schoolman's armoury. The mediæval scholars spent invaluable time in the controversy that raged around Universals or the Nature of a General Name, a philosophical controversy that had persisted since the time of Plato. Two schools came into existence: the Realists held that the unity implied by a Universal exists in fact as well as in thought, *i.e.*, that it has a real existence independent of human thought: the Nominalists took the opposite view, maintaining that a Universal exists only in name. Tedious though the stages of the argument appear in these days, it must have produced first-rate logicians.

" *Absurdum est dicere Aristotelem erasse.*" In this phrase the soul of mediæval higher education is laid bare. The logic of Aristotle formed the basis of the university course. Until the eleventh century scholars had to content themselves with a very limited portion of Aristotelian thought, namely portions from the *Organon* that had been translated into Latin under the titles of *De Interpretatione* and *Categoricæ*. This formed the basis of the " old logic " of which Peter Abelard was such a master. By the middle of the next century the field was widened. Scholars had come into closer contact with the Arabs of the East and Spain, in whose writings a great deal of the old Greek philosophy could be found. The discovery of the complete *Organon* gave scholars a purer version of Aristotle's reasoning, and in consequence we get the rise of the " new logic." The extent to which the writings of the Greek philosopher captured

the imagination of the mediæval scholar can be seen in the use made of it by the churchmen. At the hands of Thomas Aquinas this pagan philosophy became the buttress of the Catholic Church ; and his monumental work, *Summa totius Theologiæ*, still forms the basis of catholic philosophy.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

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ESSAY X

ARCHITECTURE AND LITERATURE

1. Ecclesiastical Architecture

"The favourite art of any age is the best clue to the spirit of the age." Few will deny the truth of Mr. H. W. C. Davis' statement; nor can it be gainsaid that building in general and church building in particular was the dominant art which occupied the minds of men in the Middle Ages. They built because an inner, and well-nigh insatiable craving compelled them to build; and since that craving was largely the outcome of Christian mysticism they built nobly and well. From the middle of the eleventh to the middle of the sixteenth centuries a great wave of church building swept over Western Europe, and carried in its swell king and peasant, baron and burgess. It is impossible to dissociate this outburst of building enthusiasm from the religious revival which, about that time, had originated in the great monastic houses of France. The reforming party attempted to bring back the world to a simpler faith and form of religious life. Moreover, there was a mystic element in the movement that is difficult to define; but the aim was never obscured during the early period—simplicity in all things religious. In the main this religious movement succeeded. It sent pilgrims to far-distant shrines; it urged rich and poor alike to take the Cross and win back the Holy Land from the infidel; it rooted out heresy with a heavy, if uncharitable, hand. The world was fascinated by the doctrine of the Love of God; and, out of gratitude for that Love, the world raised buildings to enshrine the sacred altars whereon God's Love was daily revealed in the sacrament of the Mass.

The lack of educational facilities set a limit to expression; man, if he thought at all, had to look round for other means of expressing himself. A skilled manual worker, he turned to stone, to glass, to metals, and he fashioned with his hands what

he could not write with his pen. Professor Lethaby has recently defined a mediæval cathedral as "a natural growth from a quarry." [1] This definition should be carefully noted, for therein lies the secret of mediæval building. It was natural in its growth; in other words, it was, as Professor Lethaby says, "a function of life" and not "a whim of fashion." Thus the arbitrary divisions into "periods" which a later age has adopted are meaningless. The movement was continuous; although there were moments when the ardour of the builders was cooled, *e.g.*, at the time of the Black Death. Thus the fixing of an accurate line of demarcation is impossible. For example, it cannot be said precisely when Anglo-Norman Romanesque ended and Early English Gothic began. There were intervening periods of transition, during which the builders were experimenting, were attempting to find new outlets for their boundless energies.

The evolution of the mediæval builder's art can be traced in the evolution of his buildings. Anglo-Norman was heavy and forbidding; its æsthetic value was discounted by massive piers and thick walls. There was, it is true, a sense of geometrical proportion in the work, but it lacked the vitality of a natural art. The Gothic builders, putting a higher price on beauty, sought to relieve the monotony; piers became more graceful, walls not so massive, and by making a freer use of moulding and ornamentation they produced something that was not only pleasing to the eye, but alive. It must not be thought that this was due entirely to the genius of the builders. Contemporary with the rise of Gothic building was the rise of glass painting. At first these glass painters made their glass to conform with the windows that the architect had planned; later they demanded that the architect should build windows which would give them a greater opportunity of displaying their skill. Thus the windows of the Perpendicular-Gothic period are evidence of the victory of the glass painters over the builders.

Moreover, every builder must consider the use to which his building is to be put. The mediæval builder had to bear in mind the rapid changes in ceremonial that were taking

[1] C. G. Crump and E. F. Jacob: *The Legacy of the Middle Ages*, p. 60. Professor Lethaby's article in this book is deserving of the closest attention.

place within the mediæval Church. The plain Anglo-Saxon Romanesque building, often without aisles, stands in marked contrast to the Decorated Gothic building of the thirteenth century. The change in the ground plan is indicative of the change that had taken place in ceremonial. The chancel, at one time a small part of the building, was enlarged, and there was a tendency to separate it from the other parts of the church by means of screens; aisles were widened in order to accommodate large processions; and altars were erected with greater frequency in order to give practical expression to the new doctrines of Mariolatry and Masses for the Dead. Nowhere is this multiplying of altars more noticeable than in the monastic churches. When few monks were in priestly orders, few altars were required; but when the greater number of the inmates of a monastery had been admitted to the priesthood it was necessary for altars to be erected so that the monks might fulfil their daily functions and sing masses.

The futility of laying too great stress on periodic divisions of Mediæval building has already been discussed. For the sake of emphasising the main characteristics it is perhaps necessary to retain these unsatisfactory lines of demarcation, always remembering that they are arbitrary, and that there is much overlapping and transitional work that can find no place inside their limits.

(*a*) *The Periods and Styles of Architecture*

(i) ANGLO-NORMAN ROMANESQUE (1050–1150).[1]

A vigorous school of Romanesque building existed in England before the Norman Conquest, witness the Anglo-Saxon work in the churches at Bradford-on-Avon (Wiltshire) and Deerhurst (Gloucestershire), and in the towers at Earl's Barton (Lincolnshire) and Monkswearmouth (Durham). This style of building is distinguished by its rude masonry, "long and short" stonework, narrow doorways and windows, and by the absence of buttressing. It is difficult to estimate the value of Anglo-Saxon Romanesque owing to the fact that so much of its work was altered by later generations.

About the middle of the eleventh century a new school of building came into existence in the duchy of Normandy.

[1] Approximate dates are given in each case.

Strictly speaking it was Romanesque, and for that reason it has been given the name of Norman-Romanesque ; actually it was the forerunner of Gothic. Norman-Romanesque was introduced into England by Edward the Confessor, who desired to build at Westminster an Abbey Church on the same plan as that of the buildings he had seen in Normandy. He certainly imported architect and masons ; for recent researches have shown that the Abbey Church at Westminster is similar in plan to the Abbey Church at Jumièges, which was " superior to any contemporary structure in Europe."

The success of William at Senlac perpetuated this revolution in building, and at the same time was destined to give it an English bias. Norman barons, following the example of their leader, whose first public act in England was the founding of Battle Abbey, applied themselves to church building. New buildings were erected ; existing ones altered. It is estimated that no less than 7,000 churches were erected or reconstructed in England during the first fifty years of Norman rule.

The new buildings, in their earliest form, were characteristic of the conquering race. They were symbols of strength ; they were meant to awe. The low, battlemented towers were more military than ecclesiastical in appearance. The simple, yet expressive, adjective used by the Anglo-Saxon Chronicler to describe William I will aptly describe the architecture of his reign and that of his son. It was " stark."

The slow fusion of the two races—French and English—brought a " softening " effect into Norman building, and it is perhaps at this stage that the term Anglo-Norman-Romanesque should be used. Owing to a freer use of moulding and ornamentation the " starkness " disappeared. The orders of the arches and the cushion capitals of the piers were rendered less massive by the use of the *chevron*, *billet*, *pellet*, *bird's beak*, *lozenge* mouldings. But Anglo-Norman Romanesque never lost what might be called its geometrical rigidity, and for that reason it lacked the vitality of Gothic architecture.

In plan Anglo-Norman Romanesque churches were generally cruciform, the central tower being supported by the piers of the arches of the chancel, nave, and transepts. Aisles were narrow, and usually vaulted. The vaults of the earlier period were barrel-shaped ; in the later they were groined, but without

ribs. Only at the end of the period did the groined-rib vault make its appearance. The Anglo-Norman builder was cautious; he did not easily essay to vault a wide space. Thus the roof of the nave was often ceiled with wood; although in the nave at Durham the risk of erecting stone vaulting was taken.

Early Norman Romanesque work can be seen in many parts of the country, *e.g.*, the Chapter House at Bristol and the transept in Winchester Cathedral. Good Anglo-Norman Romanesque exists at Iffley Church (Oxfordshire), Kilpeck Church (Herefordshire), and in the arcade of Ernulf at Canterbury Cathedral.

(ii) EARLY ENGLISH GOTHIC (1050–1150).

Towards the end of the last period builders had been experimenting with the pointed arch, which is said to have been introduced from the East. The pointed arch was far superior to the rounded arch of Anglo-Norman Romanesque, for it made vaulting possible without incurring great risks; and since wooden roofs increased the danger from fire builders preferred to roof their churches with stone.

It is not difficult to distinguish a building of this period from one built during the earlier. Generally they are lighter in appearance; the windows are long and lancet shaped; the roof is acutely pitched; and against the outer walls are pinnacled buttresses. The heavy pier has been supplanted by a more slender pier, or cluster of piers; the mouldings are bold and round, and deeply chiselled in order to give a greater light and shade effect. The characteristic ornament is the *dog's tooth*, which is used with such frequency in Herefordshire churches; and it was during this period that *crochets* were first introduced.

It has been said that "the story of Gothic architecture is the story of vaulting." The Early English vault was much bolder than the Norman, and in the early work there were ribs only on the angles of the groins. Before the end of the period a more complicated system was adopted, introducing cross ribs along the ridge of the cross vaults and even ribs on the surface of the vault. The use of foliated bosses at the intersection of the ribs was adopted.

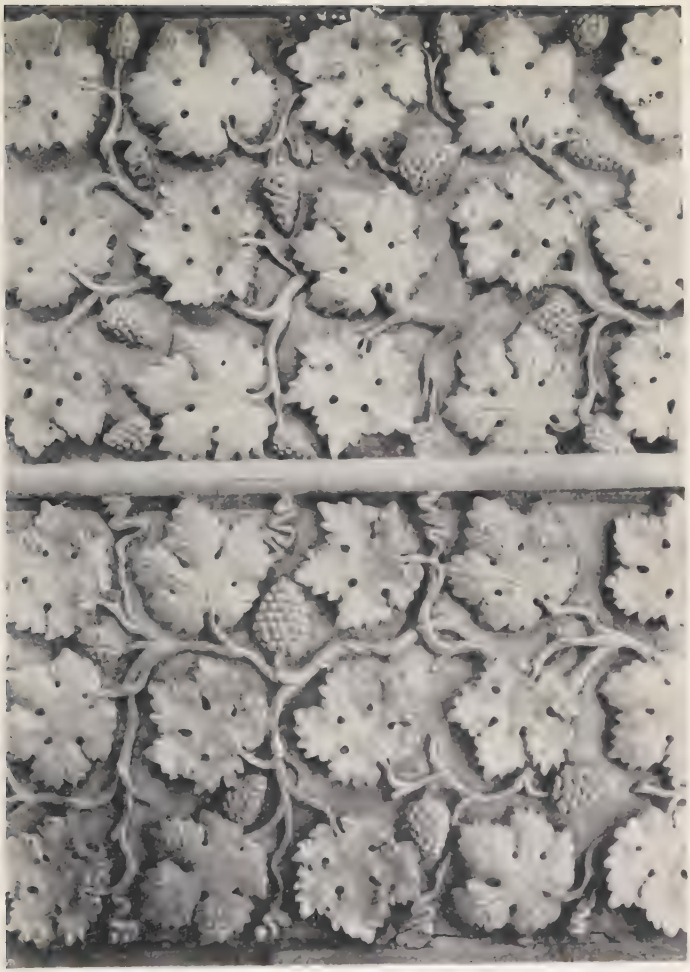
Throughout the period the builders used foliage freely as a means of ornamentation. Unlike the foliage of the following period, that used by the Early English builders strikes the eye as stiff and in a sense unnatural, due undoubtedly to the retention of the stiff stalk in the leaf. Actually this weakness—if indeed it is a weakness at all—is more apparent than real, for the period is characterised by a vitality that the Decorated Gothic builders never conveyed in their ornamentation. The foliage may appear stiff, but we must admit that it is very alive and real.

In the earliest buildings of the Early English Gothic period the window space was small ; but there developed a tendency to increase this as time wore on, due to the rise of glass painting. Lancets, once existing singly, were grouped in twos, threes, and fives and were often contained within one hood mould. Thus a space was left between the arch and the head of the lancet lights. It was to render this space less ugly that the builders introduced some form of tracery. At first this tracery was strictly geometrical in design, but towards the end of the period the tendency was for it to become more flowing. It was this development that marked the parting of the ways between Early English and Decorated Gothic.

Specimens of the Early English builders' work can be seen in every county ; but perhaps the purest form is that which St. Hugh erected at Lincoln Cathedral. The south aisle of the Choir at Chester Cathedral affords a good example of the vaulting of this period. The nave of Wells Cathedral, begun by Bishop Reginald de Bohun and finished by Bishop Jocelyn de Welles in the first part of the thirteenth century, is an example of early Gothic building—some have thought that it is the earliest Gothic work in England.

(iii) MIDDLE OR DECORATED GOTHIC (1270–1360).

The characteristics of this period are larger windows and a greater prevalence of flowing tracery. Parker, in his "*Introduction to Gothic Architecture*" divided the tracery of Mid-Gothic into three classes—geometrical, flowing and flamboyant. The latter type of tracery is seldom met with in England. Instead of grouping together a number of lancet lights under one



By permission of Messrs. S. Smith.

PANEL FROM EASTER SEPULCHRE, LINCOLN CATHEDRAL.

arch, the builders in this period built large windows, which were divided by means of mullions, the heads being filled in with plain or foliated circles. The variety of the tracery used was very great and difficult to classify, but for general purposes Parker's division will serve as a useful guide.

The mouldings of the Mid-Gothic period were not so deeply chiselled as those of the Early English builders, and the most characteristic style of moulding was the roll-moulding. The *ball flower* and the *four-leaved flower* were freely used for ornamenting the hollow mouldings. Piers were clustered ; and capitals were ornamented with foliage. The foliated sculpture of the Mid-Gothic period was more profuse and luxuriant than that of the Early English ; the stalks disappeared and with them the apparent external stiffness of Early English Gothic work. The vaulting was distinguished by the additional use of ribs, foliated bosses, and a somewhat lighter appearance.

There was a general tendency towards a lighter effect, and nowhere is this more noticeable than in the wholesale ornamentation of buttresses, doorways, sedilia, piscinæ, etc. Canopied niches filled with figures of saints were found on buttresses outside the building and on the intervening spaces between the arches of the nave inside the building, *e.g.*, at Selby Abbey.

One of the finest Mid-Gothic buildings in England is the Church of St. Wulfstan at Grantham. Exeter and Wells have also some beautiful work to show, *e.g.*, the Retro-Quire in the latter.

(iv) PERPENDICULAR GOTHIC (1360–1536).

The outbreak of the Black Death and its frequent re-appearance during the fourteenth century put a stop to church building. Work was left unfinished ; the everyday life of the nation was paralysed. When the plague was stayed work began again with renewed vigour. It was during this period that the glass artists forced the builders to give them windows that would show their art to advantage. Thus they extended the window space to its limits. The pointed arch of earlier days was flattened, and to support the mullions horizontal stays or transomes were introduced. It is the introduction of transomes that gives to this period of building its peculiar character. In the Early English and Mid-Gothic buildings the trend was, it

is true, vertical, but the curves of the arching and the prevalence of geometrical tracery did not produce the same perpendicular effect as that which the builders obtained by the use of transomes and panelling. This panelling effect was maintained throughout, not only in the windows, but on the whole surface of the building; a window is merely a panel filled with rich glass.

The mouldings became shallower, and lost their rounded appearance. The *Tudor-flower* ornament was introduced during this period; and it was typical of the style that the *crochet* also became more angular. Nevertheless, Perpendicular vaulting is without its equal. The fan tracery vault, such as exists in the cloisters of Gloucester Cathedral, gives to the building a richness that is indescribable. It is the *chef d'œuvre* of the Perpendicular builder's art.

In Fairford Church in Gloucestershire, the relation of painted glass to window construction is clearly illustrated. Each window depicts a Bible story, and it is clear that without the large windows of the Perpendicular style that story could never have been told. The beautiful Perpendicular church towers of Somersetshire are well known; the tower at Wrington might rival the more famous tower of Magdalen College at Oxford. But the richest Perpendicular Gothic work is to be found in King Henry VII's Chapel at Westminster Abbey, which was not completed until the end of the period.

2. Military Architecture

Juvenal, writing about 120, mentions that one of the daily duties of the legionary officer in Britain was "*diruere castella Brigantum.*" The *castella* of the Brigantes were undoubtedly "hill-forts," of which remains can still be seen. The Romans were great fortress builders, but unlike the barbarian peoples whom they conquered they built in stone. The Anglo-Saxons, after they had wrested the island from its Romano-British inhabitants, studiously avoided the stone fortresses of their predecessors; either they were ignorant of their strategic importance or on superstitious grounds refrained from making use of them.

But it must be remembered that the Anglo-Saxons were not

lovers of a pent-up existence ; their love of freedom made life in a walled town or fortress distasteful to them. Nevertheless, the unsettled state of the country, and the frequent tendency to wars, demanded the erection of some kind of defences ; and here the Anglo-Saxons followed the example of the neolithic peoples and strengthened natural features by means of earthworks and palisades. Their *tuns* or villages were protected with a quick-set hedge, and in some instances with a ditch ; but this was more a protection for the cattle than a defence against a foe.

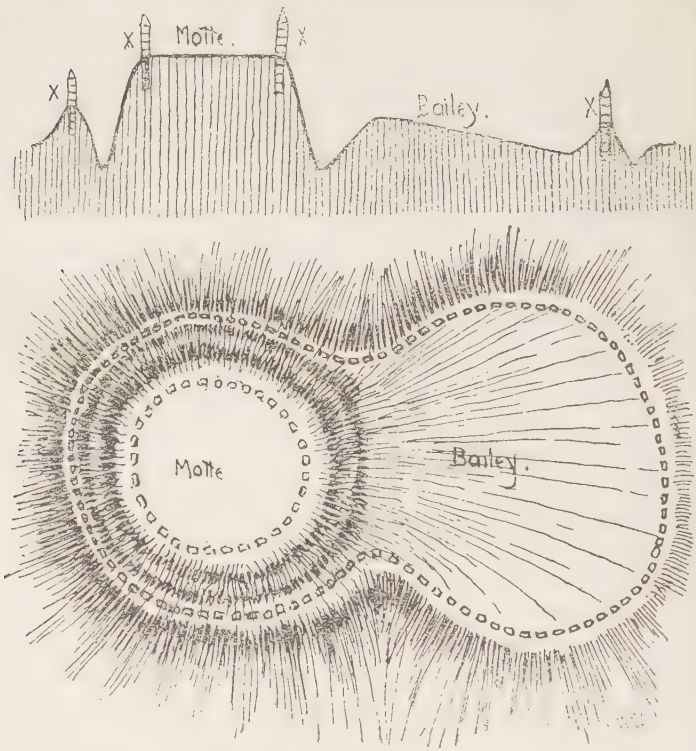
Some explanation of Alfred's *burhs* is necessary, since there has been a tendency to confuse them with the castles of a later period. In order to check the advances of the raiding Danes, Alfred and his sister, the Lady of the Mercians, devised a system of defensive towns, girt with stone or timber walls, and defended by a *burhware* or band of military settlers who, in return for certain privileges, served as a local militia in times of invasion. The *burh* of Alfred's reign was a close approximation to the *colonia* of the Roman Empire.

Castle building was introduced into England on the eve of the Norman Conquest ; and the first castle was erected by the Norman favourites of Edward the Confessor somewhere in the neighbourhood of Hereford, where his nephew, Ralph of Mantes, held sway. That castle building was an innovation is evidenced by the Chronicler's use of a foreign word—*castel*—in his narrative. The Normans in Edward's reign had need of defensive dwellings ; they were unpopular with the natives and the danger from local risings was very real. A castle was an asylum when such attacks were made. Thus in 1052, when Godwin's party returned in triumph from exile, the Chronicler noted that some members of the Norman party "fled west to Pentecost castle, and some north to Robert's castle."

The new fashion did not appeal to the native landlords—indeed, they had little need for such defensive buildings, since they were generally on the best of terms with their tenantry. Orderic Vitalis, in his account of the Norman Conquest, declared that "there were practically no fortresses such as the French call *castella* in the land," and it was the absence of these *castella* which was responsible for the easy success of the Norman —that was Orderic's opinion.

The real Norman castle was a simple structure of earth and

timber—nothing like the massive stone building that is popularly called a Norman Castle. "The use of stone in the earlier English castles," writes Sir Charles W. C. Oman, "was so uncommon that it would be possible to count on the fingers of the hands those in which it was certainly employed during the



MOTTE AND BAILEY CASTLE: ELEVATION AND PLAN

reigns of the first two Williams." [1] Even in an age when forced labour was plentiful the cost of erecting such a massive structure was immense, and the time taken in building was considerable. The latter factor had to be carefully considered, since the exigencies of the campaign might not allow the detaching of a force to superintend the building of a stone castle. The "field" castle could be erected by the soldiery themselves; it was a simple

[1] Sir C. Oman: *Castles*, p. 8.

earthwork and could be thrown up within a few days. For instance, the second castle at York was built in eight days.

The Norman castle was constructed on the *motte and bailey* plan, and contemporary pictures of these buildings can be seen on certain sections of the Bayeux Tapestry. A great earthen mound or *motte* was thrown up, and around its flattened summit a wall of wooden stakes was set. Access to the enclosure was gained by means of a stout wooden bridge, thrown across the ditch that surrounded the *motte*. The accommodation of the enclosure was limited, but it was sufficient to meet the needs of the lord and his household; to accommodate his retainers and vassals, and their cattle, a level stretch of land in front of the *motte* was enclosed by means of a palisaded rampart and ditch (p. 176). This enclosure was called the *bailey*, and it varied from one to six acres in size. Rude hutments for the men, and stables for the cattle, were erected within the *bailey* in order to afford protection in time of attack.

This was the general type of Norman castle; until the reign of Henry II the feudal castle was invariably built on the *motte and bailey* plan. There were, it is true, exceptions to the rule; castles built in stone had been set up as early as the reign of William I. A stone castle was erected in London shortly after William's coronation, and the barons planted along the Marches of Scotland and Wales often used stone in preference to timber. A good example of the early erection of a stone castle in the Welsh March is Chepstow. The entry made in Domesday Book is that "Earl William made the castle of Estrighoiel." Earl William was William fitzOsbern, and since he was killed in 1071 it seems evident that one of his first acts at Chepstow was the foundation of a stone castle. At Trellech, near Chepstow, still exists a splendid example of a Norman *motte and bailey* castle.

The history of castle building is the history of the evolution of the *motte and bailey* castle into a massive stone structure of the later Middle Ages. The movement began in England during the middle years of the twelfth century. The wooden palisade that encircled the motte was sometimes replaced by a curtain wall of stone, inside which were built the private apartments of the lord's household. This type of castle is known as the Shell Keep, and a good example can be seen at Berkeley. If the earth

of the *motte* had sufficiently settled to permit the erection of a massive building on the top of it, another course was adopted. A single building rectangular in shape was set up ; this is known

WHITECASTLE, MONMOUTHSHIRE
Drum-head Towers Flanking Gateway

as the Rectangular or Square Keep, good examples of which exist at Chepstow and Goodrich.

The next stage was the erection of the wall around the *bailey* in the place of the wooden palisade, and the building of a gatehouse. During the earlier period the outer wall was a plain

curtain wall, but in the course of time it was broken by bastions and towers in order to give the defenders a wider field of fire.

To render the castle safe from attack further developments were made. The plain gatehouse gave way to the complicated gatehouse protected by drum-head towers to be seen at Chepstow and Harlech (p. 178), and in some cases by a *barbican*, *e.g.*, Pembroke. An improvement in the machinery of the portcullis and drawbridge must be noted; whilst inside the outer wall the courts were divided by transverse walls in order to complicate the progress of the enemy and stay their attack.

Nevertheless, with the plain curtain wall and its projecting bastions it was possible for an attacking force to win its way across the moat or ditch and drive mines under the walls without the defenders being able to bring an effective fire to bear upon them. To remedy this fault *hourdes* or wooden galleries, projecting over the top of the walls, were constructed, from which the defenders could cast lime, pitch or molten metal on the attacking force below. These wooden *hourdes* gave place to stone *machicolations*.

The early castles had been built primarily for private use and were intended to act as the principal place of residence of the lord on his fief. Large and concentrated estates had large castles; but when fiefs were scattered up and down the country the castles situated in them were often small and from a military point of view unimportant. In addition, there were a certain number of royal castles in the land, built to overawe the more important towns, *e.g.*, London and York, or to guard important fords, *e.g.*, Goodrich. The growing strength of the monarchy led to a decrease in the power of the baronage, and one of the royal checks imposed was the salutary rule that castles could only be erected after royal licence had been obtained.

In the thirteenth century a revolution in castle construction took place in the Marches of Wales. The earlier Marcher castles had been primarily places of defence, and owing to the limitations of space they were only able to maintain a small force. The determination to prosecute the war against the Welsh princes caused the erection of larger castles, with accommodation for a force of considerable size; the Marcher castle hereupon became not only a place for defence but a base for attack.

The name given to the new castles was "concentric" or "Edwardian." [1]

The first concentric or Edwardian castle to be constructed was that which Gilbert de Clare began at Caerphilly in 1267. The

RAGLAN CASTLE, MONMOUTHSHIRE
A Good Example of a Residential Castle of the later Middle Ages

castle was so planned that all the members of the garrison could participate in the defence—an idea that had been brought home

[1] These terms are somewhat misleading. For example, Caerphilly Castle was built before the Edwardian period, and more than one of the new castles are not concentric.

by the Crusaders from Palestine. Each ring of walls was lower in height than the one inside it, and by manning the walls of the various courts the defenders could bring their fire to bear against the attackers. The importance of these new castles is seen in the part that they played in the pacification of Wales after the Statute of Rhuddlan.

With the breakdown of feudalism the castles of the Middle Ages became obsolete. Owners found that the old buildings they had inherited were costly to maintain in a state of preservation. The wars in France had developed the science of tactics and strategy, and leaders henceforward abandoned sieges for the pitched field battle. A small force was sufficient to mask the most powerful feudal castle and when artillery was adopted by national armies the chances of the defenders influencing a struggle was small. The reluctance to grant licences to " crenellate " on the part of the central government has already been mentioned, but it is of interest to study the analysis of such licences that Sir Charles Oman has made. " The tendency of the times," he writes, " can be shown from the fact that Edward III in his long reign issued 181 such documents, Richard II 60, Henry IV no more than eight, Henry V only one, Henry VI five, and Edward IV three. Many of these licences relate to repairs to old castles, others to trifling additions to mere manor-houses which never became real castles. Out of the whole 260 only a few dozen relate to the building of serious military structures on new sites. By the fifteenth century there was much construction in progress, but either that of castles which were not primarily fortresses but rather splendid residences—like Raglan (p. 180)—or that of great manor-houses like Minster Lovell or Wingfield, which were obviously civil in character." [1]

3. The Literature of the Middle Ages

With the war-bands which invaded England came the minstrels, men who to the accompaniment of the harp recounted the tales of the mythical ancestors of their race in the feasting halls of the great. Their song was pregnant with the spirit of adventure ; it told of perilous undertakings, of stern unequal

[1] Sir C. Oman : *Castles*, p. 21.

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combats, of the triumph of Good over Evil. These mythical tales were seldom committed to writing, but were handed down by word of mouth, and though doubtless many of them have been lost, fragments of the minstrels' song found their way into the written word.

The scope and extent of Anglo-Saxon literary effort cannot be determined. During the passage of time valuable manuscripts have been lost and literary gems ruthlessly plundered and committed to the flames. What remains therefore is fragmentary and disappointing; but even in the remnant a nobility of purpose stands bodly revealed.

One of the earliest known fragments of Anglo-Saxon literature is the epic *Beowulf*. Written in the terse and striking language of the West-Saxon, it illustrates the literary taste of our Anglo-Saxon ancestors. It is a poem of strength, a poem in praise of man's manliness. The hero is heroic, brave as a lion, steadfast in adversity, and modest in success. It tells of the Herculean labours of Beowulf; how he freed the land of the Scyldings from the oppression of Grendel, half man, half beast; how, on the death of Hrothgar, the ruler of the Scyldings, Beowulf ruled over the land; and how at the end of his reign he fell a victim to the poisonous touch of the great firedrake whose depredations brought sore affliction upon his people.

In some ways closely allied to the epic *Beowulf* is that religious work of a later age attributed to the humble Cædmon. This simple song of the beginning of created things reveals the intense religious character of the age in a language that is crisp and expressive. Whether it was or was not the work of Cædmon does not materially matter. The poem is English, its sentiments are the sentiments of the English, and its simple idealism the expression of an Englishman's faith in the pre-Conquest period.

Two prose works in the Anglo-Saxon period are worthy of mention. The one, however, is written in Latin, and for that reason some have denied it the right to claim a place in our country's literature. But *The Ecclesiastical History of the English Nation*, despite its alien language, was the work of an English historian; and in a great many respects Bede may be regarded as a master historian. The narrative is straightforward and convincing, even though the early history is weak and fallacious. With exactitude Bede chronicled events that

came under his own observation, and therefore his work is of the greatest value to the historian of the period. Alfred translated his book into English about a century and a half after Bede's death.

The other prose work is *The Anglo-Saxon Chronicle*, which appears to have been begun in the eighth century, probably at the great monastic house near the Cathedral Church of Winchester. The historical value of the early entries is questionable: their paucity is a continual source of annoyance to the historian. The style, however, is vigorous and direct; and the unknown scribes who were responsible for the early entries told their stories in that simple straightforward language which still characterises the writing of good English. Alfred undoubtedly contributed to *The Anglo-Saxon Chronicle*. He was an ardent lover of literature, and during his leisure hours he translated into the language of his people the more famous works of antiquity. Alfred's translations were free; he translated, as Asser reminds us, "*sensum ex sensu ponens*"; and in some of the translations he was wont to interpose paragraphs of his own. For example, in Orosius's *General History* he included stories gleaned from the two explorers, Ohthere, the Norseman, and Wolfstan, the Dane.

The Norman love of orderliness is indelibly stamped upon the Latin writings of the Anglo-Norman chroniclers, who were in many ways more historically-minded than their Anglo-Saxon predecessors, Bede excepted. Though they wrote in Latin and in the early Anglo-Norman period evidence of a foreign method of treatment is found, it should be remembered that in course of time this changed, and the works of the chroniclers became more English in outlook and sentiment. The twelfth and early thirteenth centuries are the Golden Age of chronicle writing in England. The inspiration was the Abbey of St. Albans, in which, towards the close of the twelfth century, a definite office of historiographer was created. Two notable writers of English history occupied that office, namely Roger of Wendover and Matthew Paris. *The Chronica Maiora*, largely the work of these two men, is one of the most valuable historical documents of the Mediæval period. Matthew Paris was the greater historian; he was also the greater writer. His language is pungent and simple; his patriotism never in question. He was no idle time-server; he possessed critical ability of high order and he

utilised it. Being constantly in attendance at the royal court, he became fully acquainted with affairs of state, and he related them honestly and critically. In addition his observant mind enabled him to colour his writing with those human touches that make history alive and compelling. Idle gossip finds a place alongside the more serious and weighty matters of national policy; everyday news is linked up with the accounts of great and important state undertakings. Nothing is too unimportant to record, and for this reason the *Chronica Maiora* is one of the greatest literary relics of the Middle Ages in England.

The thirteenth and fourteenth centuries was the period of the Romances, based upon charming old-time legends and written in the more elegant language of the French. Chivalry had elevated gallantry and refinement, and it was the romantic writers who popularised the high ideals of Chivalry among the educated classes. The mediæval Romanticists struggled "to realise in English what had already been achieved in French, to make English literature polite." [1] The peripatetic minstrel again made his appearance, and to the accompaniment of his instrument sang songs in praise of the trinity of chivalrous virtues—truth, chastity and courage.

In *Amadas and Ydoine* the theme of an undying love is treated in the elegant fashion of the age. Though written in England, this romance achieved great popularity in France. So, too, did the *Ipomedon*, written by Hughe de Rotelande, whose work is typical of that turned out by the majority of the mediæval romanticists. Perhaps the most beautiful fragment salvaged from the Middle English period of English literature is the poem *Pearl*, the work of an unnamed author. Its beauty is compelling, and reveals itself in the touching pathos of the theme—a father's love for his motherless daughter, his pearl of great price.

Another beautiful romance is *Sir Gawayn and the Grene Knyght*, the favourite diversion of the educated nobility. Sir Gawayn is the perfect knight, truthful, chaste, courageous; the most popular member of that famous band of knightly brothers, the Round Table. He had sworn himself to the service of Our Lady, and on his shield was emblazoned her portrait and a Pentangle. The former gave expression to his ideal of woman-

[1] W. P. Ker: *English Literature: Mediæval*, p. 102.

hood, the latter was a constant reminder of her Five Joys, as well as of the Five Wounds of her Most Blessed Son. *Sir Gawayn and the Grene Knyght* throws an interesting light upon the period. Chivalry's noble ideal may never have been realised, yet it is in the picture of Sir Gawayn that we most clearly see the magnificent ideal of mediæval Chivalry—truth, chastity, courage. And few ideals can claim a greater nobility.

In the history of fourteenth-century English literature there are three great names, namely Langland, Chaucer, and Wiclif. Langland is the philosophic dreamer ever probing deep into the mysterious inequalities of Life. His early years on the pleasant estates of the rich priory at Malvern induced enquiry, and being in all probability a son of the people Langland assumed the *rôle* of champion of their cause against oppression. His hero, Piers Plowman, is a worker who, in the earlier versions of the poem, is the seeker after Truth, but who, in the finished work, becomes the embodiment of Truth itself. With exactitude Langland relates the details of the peasants' life ; the simple meals they ate, the tediousness of their daily work, and the thoughts of their brief leisure hours. To Langland it appeared immoral that men like Piers Plowman should be compelled to labour for an idle nobility who dissipated its substance in the vain pursuit of pleasure. He saw the failings of Society, and he recorded them, not in the narrow manner of the jealously embittered, but as one who sought a means of improving the lot of his brother man. Langland was the evangelist of the discontented peasantry in an age when discontent was rife.

It is impossible within the narrow limits of the present Essay adequately to do justice to Chaucer's place in the history of English literature, and the reader must therefore rest content with a brief survey of his magnificent achievement. Like Langland, Chaucer was quick to take notice of the happenings of the world in which he lived, and, since his world was the wider, his writings therefore have a catholicity that Langland's lack. Chaucer, moreover, was the greater poet ; and the language he used was a living language, the language of England, polished and capable of refined expression. He undoubtedly owed much to classical sources and to the French and Italian romanticists, but throughout his work runs a strong vein of pure English influence. His impressions are related with the

lightness and grace of genius; and with skilful touch he conveys a wealth of meaning in a few brief phrases. Illustrations of his skilful use of language abound; two from the *Prologue to the Canterbury Tales* will illustrate this point. When introducing the Knight to his readers he sums up his character in one simple line—

"He was a verray parfit gentil knight."

Or again in his character sketch of the "povre Persoun of a Toun" he shows how this man differed from the other clerical members of the pilgrimage. The "povre Persoun" is a simple parish priest, as yet unattacked by the canker of irreligion and doubt.

"But Cristes lore, and his apostles twelve
He taughte, and first he folwed it himselve."

The popularity of the *Canterbury Tales* has overshadowed the other great works of Chaucer, who has aptly been described as a "French poet writing in English." Chaucer raises the standard of English verse to the level of the French, no mean achievement at a time when the English language was emerging from an ignoble bondage and slowly beating back the usurping French of polite Society. It is undoubtedly in *Troilus and Criseyde* that the poetic genius of Chaucer rose to its greatest heights. This poem reflects more than any other his obligations to Italian literature, and particularly to the writings of Boccaccio.

The works of Chaucer are of great importance to the student of history, because in them is depicted contemporary society, as we believe, faithfully and critically. The pilgrims who collected at the Tabard Inn in Southwark were members of Chaucer's England; not one of the characters is unreal, not one did not have his counterpart in the rich medley of English society. That Chaucer was able to convey so true a picture in elegant language is in itself the proof of his poetic genius.

Thirdly, there is Wiclif, the metaphysical schoolman, the scholar whose poetic temperament is mirrored in all his writings. Whether the metaphysician or the poet was the greater is a matter of small moment. Many have argued that the one hindered the free development of the other. Certainly, in

Wiclif's translation of the Bible instances of his scholarly adhesion to the original Latin text are frequent, but at the same time in many places the translator rises to the heights of poetry and his simple language, the language of the people, makes a strong and enduring appeal. Though in the seventeenth century the translators of the Bible improved greatly on Wiclif's work, it must not be forgotten that the founder of Lollardry pointed the way. He was a propagandist attempting to bring the Bible within the reach of the simple countrymen of his day. In a great measure he achieved that end.

The characteristic of mediæval literature is its intense romanticism. This in many respects was a legacy of the Anglo-Saxon period, for the mythical tales of the North German peoples made a strong appeal to the educated classes in the pre-Conquest period. Sea-loving peoples are quick to appreciate the imaginative writing of the Romanticists, and though the Norman Conquest introduced a foreign element into English society it must be remembered that the Normans themselves were descended from peoples dwelling in sea-girt lands. When at Senlac the repeated attacks of the Norman cavalry had been repelled by Harold and his men it was Taillefer, the minstrel juggler, who rallied the Normans for that final charge which swept aside Anglo-Saxon resistance. Even in the dry chronicles of the Anglo-Norman period this love of romanticism manifests itself. It bred a credulity that is oftentimes ludicrous. The early chroniclers contented themselves not only with recording the different events which came to their knowledge, but also with relating imaginary tales which to-day must provoke amusement. When the imaginations of mediæval society had been fired by the ideal of Chivalry, this characteristic of romanticism became still more pronounced. Throughout the period love of adventure, the heritage of all true-born Englishmen, is strong, and this characteristic has been transmitted to succeeding generations.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

A. Ecclesiastical Architecture

Barnard, F. P. : *Mediæval England* (Chapter I). (Clarendon Press.)
Bond, F. : *Gothic Architecture in England.* (Batsford.)

CRUMP, C. G. and JACOB, E. F. (Ed.) : *The Legacy of the Middle Ages.* (Chapter II, Section I). (Clarendon Press.)
PARKER, J. H. : *Introduction to the Study of Gothic Architecture.* (Parker.)

B. Military Architecture

BARNARD, F. P. : *Mediæval England,* Chapter III, Section I. (Clarendon Press.)
OMAN, SIR C. W. C. : *Castles.* (G.W.R.)
OMAN, SIR C. W. C. : *History of the Art of War in the Middle Ages.* (Methuen.)

C. Mediæval Literature

JUSSERAND, J. J. : *A Literary History of the English People.* (Fisher Unwin.)
KER, PROF. W. P. : *English Literature—Mediæval.* (Williams & Norgate.)
SAINTSBURY, PROF. G. : *History of English Prosody.* (Macmillan.)

ESSAY XI

THE ATTEMPT TO CREATE A UNITED KINGDOM

Much of the blame for English aggressiveness in the Middle Ages has been thrown upon the shoulders of the Anglo-Norman baronage, whose rapacious dealings were a byword; but this does not wholly explain the reason for English intervention in Wales, Ireland and Scotland. Behind the rapacity that characterised border politics can be discerned the feudal love of *definiteness*. English kings wanted to define the borders of their realm, and that involved a definition of the status of the neighbouring princes. It is difficult to ascertain the extent of this principle in the early Norman period; but of its nascent existence there seems to be no doubt when the history of the Norman "plantations" in the Marches is examined. The men that William placed along the frontiers of his newly acquired kingdom were tried men, with a reputation behind them in Normandy for sound administration. It has often been asserted that these men were sent to the Welsh and Scottish Marches in order that they might dissipate their lawless energy against equally lawless Welsh and Scots instead of against their sovereign; but is this view reasonable or just? Surely it was not in William's interests to place men along the vital frontiers of his kingdom in the hope that a neighbouring people would "clip their wings." Was not William fitzOsbern, the Earl of Hereford and Chepstow, one of his greatest friends and a loyal supporter of his policy? He certainly was not sent to the Marches of Wales because William doubted his loyalty. The truth is that the Marcher Lordships were the outposts of the Anglo-Norman kingdom, and it was their special duty to maintain the frontiers intact in the West and North.

A tendency to lawlessness was characteristic of the Norman baronage; but the strength of that tendency depended upon the power of the baron and the size of his barony. The early Marcher estates were large in area; but the strength of the

Marcher Lords was, during the first half century of Norman rule, more apparent than real. Nevertheless, on the borders of Wales, the baronage rapidly gained strength. The boundaries of feudal estates were extended and the country pacified; and in consequence the barons came to assume a large degree of independence. Royal interference, therefore, became a necessity in order to counteract a movement of feudal disintegration. There was nothing national about the policy of Henry II and Edward I; they were feudal kings, and their interference in the affairs of countries outside their own kingdom was nothing less than an extension of the feudal idea. When Wales was conquered the lands of Welshmen were feudalised, not anglicised, and from them the king received the usual feudal obligations.

The checking of the "overmighty subject" by the monarchy is clearly illustrated in the early history of English intervention in Ireland. When Henry II gave the Marcher Lords of Wales permission to aid Diarmait of Leinster he little thought that one of their number would ultimately marry Eva, Diarmait's daughter, and thus become a candidate for an Irish throne. When he saw Strongbow claiming Leinster there was no alternative course for Henry II; he must invade Ireland in person and obtain the homage of the Norman barons and native chiefs.

The Marcher Lords on the Cheviots did not meet with the same success as their brothers in Wales. The Lowland families were powerful, and the Scottish kingship was strong. Consequently there was little Anglo-Norman penetration in the North; the Marcher Lords were content to hold that which they had been granted, always watchful for the sudden raids of the Borderers.

The relationship between England and Scotland in the Middle Ages is interesting for the one reason that it illustrates clearly the stress which mediæval kings and statesmen laid upon legality, and the extent to which they were prepared to strain facts in order to make actions conform to it. That Edward I's attack on the northern kingdom was unjustifiable all in this more enlightened age will agree; but in the Middle Ages there was a sharp line of demarcation between Legality and Morality—and Feudalism had put all its weight in the scales against the latter.

One point must be carefully noted. Despite the efforts of strong kings to check the power of the Marcher Lords, they did manage to establish themselves in powerful estates which were self-contained administrative units, lying virtually outside the king's realm. These lordships were a perpetual menace to the central authority, witness the "Roses Vendetta." The struggle against King Edward I in 1296 was a Marcher struggle; so too was the earlier baronial resistance to *Quo Warranto*. It is significant that Edward IV, himself a Marcher Lord, established the Council in the Marches of Wales—a powerful instrument for curbing the powers of the Marcher Lords. Edward's policy was continued by the Tudors, and it is perhaps more than a coincidence that it was a Welshman who finally overthrew the Marcher privileges.

1. Wales

The history of English intervention in mediæval Wales falls into three main divisions. The first extends from 1067–1154; the second from 1154–1284; and the third from 1284–1536. In the first period the control of the frontier is left to the baronage and there is no check to their penetration into the hinterland; the second is the period of royal intervention; and the third deals with the Edwardian settlement and its results.

(*a*) 1067–1154

The first step that William I took to secure his western frontier was the establishment of three powerful barons at the principal gateways into Wales. William fitzOsbern was stationed at Chepstow and Hereford; Roger of Montgomery held the country around Shrewsbury; and Hugh of Avranches was installed at Chester.

At the beginning it seemed as though Wales would fall an easy prey to the Norman baronage. The country was divided against itself; the three principalities of Gwynedd in the North, Powys in the centre, and Deheubarth in the south, evinced no desire to sink their differences and present a united front to the invaders. Hugh of Avranches, aided by his lieutenant Robert of Rhuddlan, cut his way through the Perfeddwlad,[1] and to hold

[1] Perfeddwlad means the "Middle Country." It comprised the cantreds (or hundreds) of Rhos, Rhufoniog, Dyffryn Clwyd and Tegeingl. It was the land that lay between Gwynedd and Powys.

his conquests he erected castles at Rhuddlan and Deganwy. In the centre Roger of Montgomery worked his way to the coast and established a castle at Cardigan (1093); whilst a little later his son Arnulf founded the castle at Pembroke. Robert fitz-

WALES AT THE END OF HENRY I'S REIGN (1135)

Hamon had overrun Gwent (Monmouthshire) and Morgannwg (Glamorganshire) and had erected a ring of castles to secure his gains; whilst Hamelin de Baladun at Abergavenny and Bernard de Neufmarché at Brecon commanded the Bwlch Pass.

The Welsh attempted to stem the advancing tide, and between

1093 and 1099 put up a strenuous fight against the invaders. In the south, where the process of Normanisation had been carried out more effectively, the national movement made little headway, although the castles in Ceredigion (Cardigan) and Dyfed (the Gower country) were taken, with the exception of Pembroke and Rhydygors. The Norman party in Gwent and Morgannwg were able to hold their own with ease. In the centre the Welshmen were more successful; in 1095 a daring attack was made against the castle of Montgomery and the Welsh obtained possession of that famous "Robbers' Nest." But it was in the north that the Normans were hardest pressed. The men of Gwynedd captured all the castles west of the Conway; they expelled the Normans from Anglesey; and under Cadwgan ap Bleddyn defeated a Norman force at Coed Yspwys. The fall of Montgomery and events in the north compelled William II to take the Welsh rising seriously; he invaded Wales, but his expedition achieved nothing, since the Welsh refused to risk an open battle.

Desultory fighting continued during the reigns of Henry I and Stephen. The Welsh were ably led by Gruffydd ap Cynan in Gwynedd and by Gruffydd ap Rhys in Deheubarth, both of whom nominally had come to terms with Henry I. Henry, however, saw the futility of wasting the strength of his kingdom in a struggle with a foe that avoided pitched battles, and it was his policy to leave the Marcher barons to make what headway they could against the Welsh, strengthening their position by planting a member of the powerful family of de Clare in Ceredigion. A notable Welsh success occurred in 1136 when Gruffydd ap Rhys defeated a league of Norman barons at Cardigan. In the following year the two Welsh leaders died.

(*b*) 1154–1284

During the reign of Henry II two princes of outstanding ability appeared in Wales, namely Owain Gwynedd in Gwynedd and Rhys ap Gruffydd or "the Lord Rhys" in Deheubarth. Henry II was young and martial, and in 1157 he advanced into North Wales against Owain Gwynedd. At Rhuddlan the rival leaders came to terms; (i) Henry II undertook to withdraw, (ii) Owain did homage, and (iii) surrendered the cantred of Tegeingl. In the following year Henry II invaded the south and

came to terms with the Lord Rhys, who did homage and returned his recent conquests. Both Owain Gwynedd and the Lord Rhys realised the futility of pitting their unorganised strength against Henry II. They were prepared to wait until they had reorganised their own forces.

The peace was of short duration ; in 1163 the two princes raised the whole of Wales and embarked upon a war of aggression. Owain recovered Tegeingl, and Rhys, the lands that he had surrendered in 1158, together with parts of Ceredigion. Henry II again invaded Wales, but Owain and Rhys avoided him, and his expedition had to withdraw without any positive gain. The victory was with the Welsh princes.

The death of Owain Gwynedd in 1170 resulted in a disputed succession in Gwynedd, and until 1194, when Llewelyn ap Iorwerth became ruler of that district, the north played little part in the struggle against England.

For the twenty years following the death of Owain Gwynedd the dominant figure in Wales was the Lord Rhys. On his way to and from Ireland in 1171 Henry met Rhys and came to terms with him. He was granted the lands that he had taken in 1163 and was made "Justice of South Wales." The moderation of the English king did much to smooth over the difficulties in Wales ; Rhys kept the bond that he had made with Henry, and it was his influence that induced the Welsh princes to do homage to the English king at Oxford in 1177. Rhys died in 1197, and with his death Deheubarth ceased to take a prominent part in the resistance to English rule. The mantle of Rhys fell upon Llewelyn ap Iorwerth of Gwynedd.

Llewelyn was quick to take advantage of the English weakness. In 1199 he raised the Perfeddwlad and captured Mold. Two years later King John confirmed him in his conquests on the performance of homage. In 1205 the Welsh prince married John's natural daughter, Joan, and for five years friendly relations were maintained. But Llewelyn was intent upon becoming master of Wales, and his first move was to extend his power at the expense of his neighbour Powys. John, perceiving his motive, threw in his weight with Powys ; he invaded North Wales in 1211 ; and compelled Llewelyn to surrender the Perfeddwlad. The quarrel between John and his barons gave Llewelyn a free hand to continue his aggressive policy. With

true political sagacity he allied himself with the barons, overran Powys, Ceredigion, and a large part of Dyfed; and received the homage of the Welsh princes. In 1218 the Regency, accepting the *fait accompli*, confirmed Llewelyn in his conquests

LLEWELYN AP IORWERTH'S SPHERE OF INFLUENCE AFTER THE TREATY OF MIDDLE

in return for homage; and this arrangement was again confirmed in 1234 by the Treaty of Middle. It is interesting to note that Llewelyn the Great never adopted the title of "Prince of Wales" but styled himself "Prince of Aberffraw and Lord of Snowdon."

Llewelyn died in 1240, and was succeeded by his son Dafydd,

whose reign lasted six years. On his death the land of Gwynedd was divided between the factions of Llewelyn ap Gruffydd and Owain ap Gruffydd, the rival claimants to the principality of Gwynedd. This gave Henry III an opportunity of regaining some of the lands that Llewelyn the Great had won. Both the Welsh claimants were summoned to Woodstock, where they did homage and surrendered their claims to the Perfeddwlad (1247). Henry III 's next move was a subtle one; he granted the vacant palatine earldom of Chester, with the Perfeddwlad, and "all the crown lands in Wales" to his son, the Lord Edward.

The rapacious dealings of the Prince's officers in the Perfeddwlad resulted in the revolt of the four cantreds, and Llewelyn ap Gruffydd came to their aid; the royal officials were expelled, and the four cantreds annexed to Gwynedd. Llewelyn was favoured by the turn of events in the Marches. The creation of Edward as earl of Chester was resented by the powerful families around Chester; and it was this dislike which caused them to desert the royal cause after Lewes. Like his predecessors, Llewelyn determined to make the most of the dissensions in England; he allied himself with Simon de Montfort and lent him active support against Henry III. On the overthrow of de Montfort, Henry III came to terms with Llewelyn at Shrewsbury. The Treaty of Shrewsbury (1267) stipulated that Llewelyn should do homage to Henry III, that he should be recognised as the Hereditary Prince of Wales and as such should exercise overlordship over all the Welsh princes except Maredudd ap Rhys, and that he should retain all the lands he had regained from the English.

England had created an hereditary Prince of Wales, but it was apparent that Henry III would not accept as a final settlement of the Welsh question the terms dictated at Shrewsbury. For ten years all was quiet; Henry and Edward were waiting to strike; and Llewelyn was preparing to receive the blow. In 1277 Edward started on his first Welsh war.

The causes of this war are as follows: in 1274 Dafydd, the brother of the Prince of Wales, and Gruffydd ap Powys had conspired to murder Llewelyn. The plot was discovered; and the conspirators fled to England for safety. The asylum afforded them by the English king gave Llewelyn just grounds

for suspicion. In the following year Edward I took prisoner Eleanor de Montfort, who was travelling to Wales to marry Llewelyn. Since the death of Henry III the Welsh prince had studiously refused to do homage to Edward I, excusing himself on the plea that the terms of the Treaty of Shrewsbury had been evaded.

The war was soon ended, and Edward dictated his peace terms to Llewelyn at Conway. The Welsh prince undertook to do homage, and to pay an indemnity of 50,000 marks; he surrendered to Edward the Perfeddwlad and the northern part of Ceredigion; and he renounced his feudal superiority over the princes of Wales outside Gwynedd.

This first Edwardian settlement is interesting. Two of the four cantreds of the Perfeddwlad were granted to Llewelyn's brother, Dafydd, together with the lordship of Hope; the other cantreds were joined to the palatine earldom of Chester. The northern part of Ceredigion was administered from Aberystwyth. In 1279 Edward made an exchange with Edmund Lancaster of lands near Derby for lands in south Ceredigion and Dyfed, and these were joined to northern Ceredigion and formed the administrative unit of West Wales.

The harshness of English administrative methods again aroused the anger of the Welsh, and in 1282 the country was in arms. Llewelyn and Dafydd led the revolt; but early in the struggle the former was slain in a skirmish near Builth, while Dafydd lacked the ability to lead a national uprising. Successful at the outset, he was compelled to retire to the mountains of Snowdonia, where in 1283 he was taken. Edward summoned a parliament to try him at Shrewsbury; he was convicted of treason, and executed.

The Edwardian settlement of Wales is contained in the Statute of Rhuddlan, 1284. Gwynedd was divided into the counties of Caernarvon, Anglesey, and Merioneth, under the administrative control of the Justice of North Wales whose headquarters was Caernarvon. West Wales was formed of the counties of Cardigan and Caermarthen, with the administrative centre at Caermarthen; Flint was attached to the county palatine of Chester. A ring of concentric castles was placed around the newly conquered land in order to check outbreaks of national enthusiasm. Edward I had learnt that harsh

governance makes bitter enemies, and although he introduced the English legal system he showed much sympathy towards

THE EDWARDIAN SETTLEMENT OF WALES

Welsh customs and susceptibilities. Herein lies the success of his settlement.

(*c*) 1284–1536

Edward's settlement gave Wales more than a hundred years of peace. By stern measures lawlessness was put down, and the peaceful occupations of the peasantry were protected from outbreaks of anarchy; the searching reforms of Peckham brought order to the Church in Wales and the monastic houses

taught the pastoral Welsh the advantages of agriculture. The French wars provided the adventurous with ample opportunities for indulging their warlike appetites ; archers from Gwent and Morgannwg fought for Edward III and Henry V, and by reason of their prowess won golden opinions from their contemporaries. The few die-hard nationalists avenged their wrongs against the English nation by fighting in the armies of France, *e.g.*, Owain of Wales, the *condottiere* friend of du Guesclin.

The quarrel between Richard II and his unruly subjects precipitated the Glyndwr rising. Richard had been well supported by the native Welsh in his resistance to the Lords Appellant and the usurper Henry IV. The latter, when he had seized the Crown, was not likely to forget the part that Wales had played. Repressive measures replaced conciliatory actions, and Wales longed for the time when she could throw off the yoke of the oppressor. That a national leader of consummate ability should appear at that moment in the person of Owain Glyndwr was an accident of Chance.

The immediate cause of Owain's rebellion was not his espousal of the nationalist cause, but his quarrel with his neighbour, Lord Grey of Ruthin. The latter had been ordered by Henry IV to summon Owain, the Lord of Glyndyfrdwy, to attend the Scottish war. Lord Grey, hoping to create strife between the King and Owain, omitted to deliver the summons. Henry IV was justly angry at the non-appearance of Owain in the north, and he determined to take drastic steps to punish him for his disobedience. At this point Owain discovered the trick that Grey had played upon him, and with true Marcher spirit he took the law into his own hands, and at the head of a small band of retainers invaded the lands of his neighbour. Lord Grey retaliated, but when he appeared at Glyndyfrdwy he found his passage barred by a national movement. The rebels took Ruthin, and burnt the town to the ground.

A private quarrel had developed into a fight for national freedom. The Welsh took up the attitude that resistance was justified since Henry IV was an usurper, and for their own success espoused the cause of the hapless Richard II, the tales of whose sufferings at the hand of Henry were told throughout Wales. Henry attempted to scotch the movement by royal invasions ; in 1400 and 1401 he entered Wales, but Owain,

following the practice of his predecessors, retired to the hills and refused to fight. Henry was forced to retire without achieving anything.

Owain Glyndwr differed from earlier Welsh leaders; he saw farther than the limits of his native land. Successful negotiations were carried on between the Welsh leader and the Kings of France and Scotland; at Aberdaron he entered into a *Tripartite Indenture* with the Earl Percy and Edmund Mortimer, who had fallen into Owain's hands and was forced into an alliance by marriage with the Welshman's daughter. By this agreement Owain, Percy and Mortimer agreed to resist Henry IV, expel him from the realm, and divide England and Wales between them. The battle of Shrewsbury (1403) dissolved this partnership. Percy was defeated and Hotspur slain, and for some reason that is not easy to find Owain delayed striking at the English force when it was exhausted directly after the battle. It was a blow to Owain to lose the support of the northern earl, but Henry IV was not able to turn the battle of Shrewsbury to any positive advantage. In the following year Owain felt strong enough to style himself "Owain by the Grace of God Prince of Wales," and to summon two national parliaments to Dolgelley and Machynlleth.

Owain's great weakness was the fact that he could never forget that he was a Marcher Lord. He harried South Wales with fire and sword, and his fellow-countrymen soon began to long for a return of English rule, which might have been harsh, but which gave them prosperity and peace. Little by little the resistance of the Welsh was broken down by Henry IV and his youthful son; Owain was chased from one part of Wales to another; and as time went on his own people deserted him. The rising had failed. Owain, deserted by his friends, passed into obscurity, and no one knew what became of the man who had defied the might of England. It is said that he lived to a great age wandering around the country of the Berwyns: he refused, however, to take advantage of the pardons that his generous foe, Henry V, offered him.

Unlike the rising of Owain Glyndwr, the "Roses Vendetta" had little effect upon the peasantry of Wales, although the Lords Marcher played an important part in this sorry struggle. The repressive measures of Henry IV did not make the Lancas-

trians popular in Wales ; the Yorkists, however, could claim, through Edmund Mortimer, to have supported Wales in her fight for freedom. The strength of Lancaster lay in the West, around the Bay of Cardigan ; the strength of the Yorkists was in the central Marches. Whilst the fierce Marcher barons wasted their strength in fighting each other, the people of the land continued their peaceful occupations, except when the armies of the contesting forces ravaged their lands.

The victory of Henry VII at Bosworth was a victory of Wales over England. The new king was a Tudor and a Welshman. Unfortunately, he did little for Wales, except perhaps the strengthening of the Council in the Marches and the curbing of the lawless baronage. His son made a greater contribution to the land of his fathers ; he reformed the ecclesiastical and judicial systems, and reorganised the land. By a series of Statutes, beginning in 1535, he incorporated Wales into England. Even if he did ride rough-shod over the national principles that Welshmen hold dear, his policy towards Wales was actuated by a genuine desire to confer upon Welshmen the same benefits that all Englishmen enjoyed. By abolishing the Marcher Lordships he broke the back of Mediævalism and finally placed the " overmighty subject " in his proper place.

2. Ireland

It has already been noted that English intervention in Irish affairs was the outcome of the invitation extended to certain Marcher Lords in Wales by Diarmait, the exiled King of Leinster. The scheme was sanctioned by Henry II, and in 1169 a small expeditionary force under the leadership of Robert fitzStephen and Maurice fitzGerald, the sons of the Princess Nest, and Maurice de Prendegast landed at Bannow. The native Irish were unable to withstand the more disciplined forces of the Marcher Lords ; one after another the principal Irish towns were reduced to submission ; and Diarmait was restored to his kingdom. In 1170 Richard de Clare, known as Strongbow, joined the venture, having already been promised the hand of Diarmait's daughter, Eva, as the price of his support. Strongbow seems to have been attracted to the lady more because she was the heiress of an Irish kingdom than by her good looks.

If Strongbow had seriously entertained hopes of succeeding to an Irish kingdom, he had overlooked two factors which would militate against his chances of success. First, to the native Irish he a foreigner, and although his wife might be the native heiress of the throne there was nothing to prevent the men of Leinster choosing a king with no alien connections. This is actually what they did on the death of Diarmait in 1171. The claim of Eva and her husband was passed over and a cousin of the lady elected king. In the second place, it was improbable that a king of England would allow one of his subjects to establish himself as an Anglo-Irish prince. The difficulties of a divided allegiance were manifestly apparent to a king whose continental troubles were the outcome of that very evil. Thus when Strongbow, in the right of his wife, claimed the throne of Leinster, Henry II took swift action to counter the claim, by cutting off the supply of men and munitions to Ireland and by ordering the Marcher barons to return to England without delay unless they were prepared to risk the forfeiture of their English estates. There is no doubt that this move was directed specifically against Strongbow.

Strongbow had the wisdom to adopt the safer course; he returned to England and made his submission to Henry II in Gloucestershire. The king accepted him as earl of Leinster, holding his lands directly from himself. But Henry had determined to pursue a bolder course than obtaining the homage of the Anglo-Irish baronage; he planned an expedition to Ireland in order to impress upon men like Strongbow his intention of maintaining his feudal superiority over them. According to mediæval opinion Henry II had just grounds for claiming the lands of the Irish; in 1155 the English Pope Hadrian IV had by bull granted the island to the English king. It is outside the range of this Essay to discuss the right of a Pope to grant any country to a foreign king, but there is no doubt that, in Henry's reign, that right was never questioned.

For six months Henry remained in Ireland. He planted garrisons at Dublin, Waterford and Wexford; he obtained the submission of the Irish clergy at Cashel; and he placed the experienced Hugh de Laci, Earl of Meath, at the head of the royal administration. The last act was typical of the man; he had determined to assert his supremacy. Hugh de Laci, as the

Justiciar of Ireland, was a symbol of the strength of the English king—and it was by means of this symbol that Henry sought to impress the Anglo-Irish baronage with his strength. In effect the office was titular, and there was no serious attempt at government.

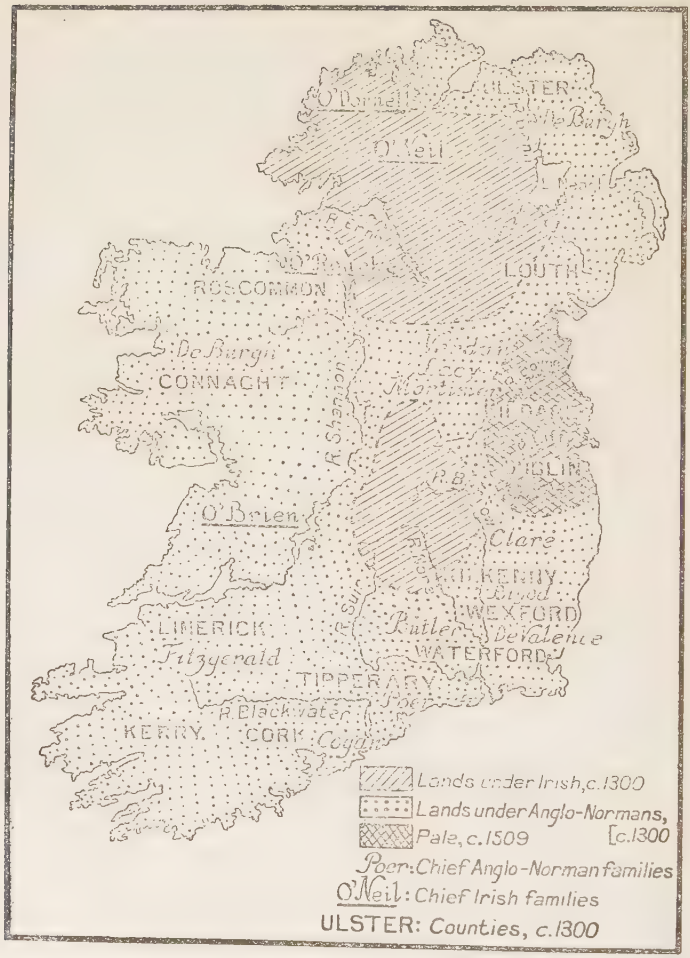
From 1172 to 1185 Henry was too occupied in other matters to give thought to the solution of the Irish Question. The Anglo-Irish baronage maintained the process of conquest and settlement, robbing their Irish neighbours of fertile lands in order to enlarge their fiefs, and murdering those who withstood their demands.

In 1185, however, Henry made his youngest son, John, *Dominus Hiberniæ*, in the hope that the pacification of the island would deter him from following the example of his rebellious brothers. The experiment was a failure; John had little inclination for the hard work of administration. He received the homage of the Anglo-Irish baronage and certain native chiefs; but after a stay of nine months he returned to England, leaving the barons free to use Ireland as they pleased.

Another period of non-interference followed. In 1210 John revisited the island. His earlier dislike of administration had passed, and during the nine months that he stayed in Ireland he attempted to put the government on an intelligent basis. The Anglo-Irish had already made themselves masters of Leinster, and of parts of Ulster and Munster. These lands John formed into the counties of Louth, Dublin, Kildare, Tipperary, Waterford, Cork, Limerick and Kerry, and the liberties of Meath, Carlow, Wexford, and Kilkenny. The English system of local government was introduced, and an Irish Exchequer established. At the same time John received the homage of the barons and native Irish chiefs.

Throughout the remainder of the thirteenth century English kings took little interest in Irish affairs. The policy of baronial conquest and settlement was maintained, the leading spirit being William de Burgh of Ulster, who was intent upon extending his power into Connaght. But the strength of the Anglo-Irish families was more apparent than real; the settlement was nothing less than the attempt of an armed minority to compel a native majority to accept an alien rule. Moreover, even in the settled parts of the country, the barons had allowed the old

tribal system of the Irish to remain, blind to the fact that the tribal clan formed a convenient unit for championing the cause of national freedom.



Ireland in the Middle Ages

The first organised attempt to oust the English party came in 1315, when Edward Bruce invaded northern Ireland. For three years fire and sword were paraded through the land ; the barons strove to expel the invader who had attracted to his side many

native chieftains. Bruce was defeated and slain at Dundalk in 1318 and the rebellion crushed. But the victory did not bring a respite to the troubles of the Anglo-Irish barons.

The general effects of this invasion are important; indeed in itself the invasion of Edward Bruce marks the turning point of English influence in Ireland. In the first place it was a direct blow at English prestige. The native Irish were spectators of a struggle wherein the honours of war were often easy. Secondly, the differences that threatened the unity of the baronage were revealed. The feudal tendency towards "factiousness" was asserting itself; and in the face of a common enemy the baronage had refused to present a common front to its attacks. The Irish had perceived this characteristic, and they were not slow to take advantage of it. Thirdly, in the Scottish invasion Irish clans had fought against the English and had learnt that they were not invincible. At the same time it must be noted that the strength of the baronage was weakened by frequent intermarriage between members of English and Irish families, whilst the prevalence of concubinage peopled the land with bands of natural children to whom family ties were legally and morally meaningless.

The forces of disintegration could not be checked so long as the country lacked a powerful administration. The English government, it is true, made fitful attempts to govern the land to which they laid claim, but the narrow policy of separatism that was adopted not only failed to "stop the rot" but fanned the flames of Irish hatred against England. In 1342 the English in Ireland complained to Edward III that the natives had reconquered one-third of the land formerly held by Englishmen; whilst nineteen years later the House of Commons solemnly discussed the Irish Question, and resolved to send over as their lieutenant the king's son, Lionel of Clarence, Earl of Ulster in the right of his wife Elizabeth de Burgh.

The one outstanding event in the administration of Clarence is the Statute of Kilkenny (1366), in the preamble of which is given a vivid picture of the wretched state of the country.[1]

[1] "Many English . . . forsaking the English language, fashion, mode of riding, laws and usages live and govern themselves according to the manners, fashions, and language of the Irish enemies, and also have made divers marriages and alliances between themselves and the Irish enemies aforesaid." K. H. Vickers: *England in the Later Middle Ages*, p. 281.

The chief provisions of this statute are worthy of notice, since they indicate the extent of the deterioration of English rule in Ireland, and foreshadow the future policy of the English parliament. It enacted that (i) all marriages or unions between English and Irish were forbidden; (ii) Englishmen in Ireland must not use the Irish language or even Irish names; (iii) English law was to replace March or Brehon law; (iv) private wars were forbidden unless conducted in self-defence, and before war could be levied on the natives the consent of the king must be obtained; (v) no Irish priest was to be admitted to any benefice or monastery in the English districts of Ireland; (vi) no encouragement was to be given to Irish pipers and bardic singers; (vii) in each county four wardens were to be appointed to see that the inhabitants had arms proportionate to their property; (viii) "maintenance" was forbidden; and (ix) itinerant justices were to go through the counties twice a year in order to hear pleas and try offenders arraigned under this statute.

Had this statute become operative the whole course of Irish history might have been changed; but so long as the English government was unable to endow Ireland with a strong administration the abuses remained unchecked. Richard II did make an attempt to do something for Ireland, and his two invasions did check, for the time, the disruptive forces at work. Henry IV, Henry V, and Henry VI were occupied with other matters and gave Ireland little thought; the most that the English Parliament did was to send a powerful baron to act as lieutenant, but the choice of the man too often depended on his strength in English politics. Ireland became a useful dumping ground for the political "overmighty subject."

The Statute of Kilkenny was a clear declaration of English policy; it was Ireland for the English. Can it be wondered, then, that the Irish during the fifteenth century made a determined attack upon the English party in their country? The feudal baronage was writhing in its death agony, and at that moment the Irish struck, with the result that the English were compelled to retire to the district around Dublin known as the Pale. And a strange paradox must be noted; the leaders of Irish nationality (if there was such a thing during this period) were not descendants of the native landowners whom Strong-

bow and his companions had robbed of their lands, but the descendants of the invaders themselves or of unions between English and Irish families.

The final act in the drama of mediæval Ireland was played by Henry VII and Sir Edward Poynings. The famous *Poynings' Law*, passed by an anti-Irish parliament sitting at Drogheda, was the inevitable complement of the Statute of Kilkenny. It provided that (i) no Irish parliament could be summoned without the consent of the King of England, (ii) laws passed by the Irish parliament required the sanction of the King of England, and (iii) laws passed by the English parliament were valid in Ireland. The last clause was to prove of great value to later English rulers when they attempted to exterminate the Irish people ; it was the price that Ireland paid for crowning Simnel in 1487. The real culprit, however, was Diarmait, who sacrificed his land to the Marcher barons in order to regain his throne.

3. Scotland

The history of Anglo-Scottish relations in the Middle Ages is mainly the history of England's attempt to maintain the feudal principle of overlordship over the northern kingdom. Rightly or wrongly, Edward I was induced to interfere in the domestic affairs of Scotland ; judged by contemporary opinion in England that interference was right ; in Scotland the opposite view was maintained. The truth is that Edward I and his grandson were led to press claims upon the Scots that to-day are condemned as morally and legally unjustifiable ; but they themselves can have had no doubt of the justice of their cause. Both were meticulous in their interpretation of feudal law, but, like the majority of their legal contemporaries, they stressed the letter of that law and ignored the spirit.

Properly to understand the relationship between England and Scotland during the Edwardian period it is necessary to refer to four incidents that happened in the Anglo-Saxon period since they had a direct and intimate bearing upon the claims which the Edwardian lawyers put forward. At the same time a cursory glance at the state of affairs existing between the Norman Conquest and the death of Alexander III of Scotland

will indicate the " uneasiness " that characterised the relationship.

The Anglo-Saxon Chronicle, *sub anno* 924, states that Edward the Elder was taken " as father and lord " by the kings of Scotland and Strathclyde. No details are given, and for this reason it is impossible to say what the term " father and lord " implied in 924. It is obvious that the incident is too vague and shadowy to permit of legal definition. Nevertheless, it was used by the mediæval lawyers as an example of English overlordship over the kings of Scotland. The second incident occurred in 945, when " king Edmund harried all Cumbria, and gave it to Malcolm, King of the Scots, on condition that he should be his fellow-worker by land and sea." This is something tangible if the location of the Chronicler's " Cumbria " can be ascertained. Did it lie south of the Solway Firth and thus form an integral part of Edmund's kingdom; or was it north of the Solway Firth and therefore part of Strathclyde? These questions cannot be answered with certainty; but it is not unreasonable to suppose that " Cumbria " referred to that tract of land which is now called Cumberland. Moreover, if it is assumed that it was in Strathclyde, it will be difficult to construe the Chronicler's note as an evidence of the overlordship of England over Scotland. Freeman rightly suggested that it was merely a feudal grant made by the King of England to the King of Scotland on the basis of military service. The third event is the alleged cession of Lothian to Kenneth of Scotland (971–995) by Edgar of England on condition that Kenneth recognised the English king as his overlord. Again the facts must be strained considerably if they are to be taken as a proof of overlordship; *primâ facie* this appears to be another instance of a definitely feudal transaction—Kenneth receives Lothian from Edgar and performs the usual acts of homage and fealty for the estate. Finally in 1018 a certain definiteness is reached. Malcolm in that year defeated the men of Northumbria at the Battle of Carham and by right of his victory gained the land of Lothian. This cession was confirmed by King Cnut thirteen years later. The question to be decided is whether this cession of Lothian annulled the earlier act of homage (if it was performed), or had the kings of Scotland been bound by their predecessor, Kenneth, for all time? The answer to this

question is not far to seek. One thing the Battle of Carham achieved: the fixing of the Anglo-Scottish frontier along the line of the Tweed and the Cheviots.

(*a*) 1066–1288

The attention of William I was quickly focussed upon events in Scotland. Malcolm III had married Margaret, the sister of Edgar the Aetheling, and he was therefore committed to support the cause of his brother-in-law and his supporters in England. During 1069–1070 Malcolm attacked the Normans in the north of England and inflicted considerable loss upon their outposts. In 1072 William retaliated with a raid into Scotland, and it is said that he compelled Malcolm to do homage to him. But homage for what? Certainly not for his kingdom in Scotland; though since he held manors in England William might reasonably expect him to do homage for them.

Throughout Malcolm's reign the state of the Border was uneasy; private raids were a common occurrence, and on certain occasions these raids assumed the dimensions of royal invasions on the part of the Scottish king. For example, when William II was absent in Normandy in 1091, Malcolm invaded the north of England, ostensibly to further the cause of his unfortunate relative, but actually to attempt to win the land between the Cheviots and the Tees. Malcolm had long contemplated an extension of his frontiers. William II countered this move by an organised invasion of the northern kingdom. He captured the lands of Strathclyde south of the Solway Firth (1092); and in the following year defeated and slew Malcolm at Alnwick. This was a definite gain of territory from Scotland.

The marriage of Henry I and Edith, the daughter of Malcolm III and his English wife, gave peace to the two countries for the duration of Henry I's reign. The English king undoubtedly saw the futility of provoking his northern neighbour to a struggle which could never be decisive. As in Wales, so in Scotland; Henry I adopted Walpole's policy of "*quieta non movere*."

In 1124 the Scottish crown had passed to David I, who married the daughter and heiress of Waltheof. On the accession of Stephen he claimed, in the right of his wife, the earldom

of Northumbria for their son, Henry, already Earl of Huntingdon. Stephen rejected the claim. The internal disorders in England, however, gave David a *casus belli ;* as the uncle of Matilda he invaded England in support of her claim. His first invasion was successful ; Stephen ceded Cumberland to Scotland, and in a half-hearted kind of way promised to confer the earldom of Northumbria on Henry of Huntingdon (1136). The latter promise was never kept ; consequently in 1138 David again crossed the Border, this time to meet with defeat at the hands of the northern levies near Northallerton.[1] The defeat did not check the Scottish king's ambition ; and in the end Stephen deemed it wiser to come to terms with him. By the Treaty of Durham (1139) the earldom of Northumbria was conferred upon Henry of Huntingdon. The extension of Scottish influence south of the Cheviots—a policy that Malcolm III had instituted—was achieved.

David I died in 1153, a year after his son Henry, and the crown of Scotland passed to Malcolm IV, a boy of ten years of age. Taking advantage of the minority, Henry II forced Scotland to abandon her claim to Northumbria and Cumberland ; and until Malcolm died in 1165 peace was maintained. Malcolm's successor was William the Lion, a martial sovereign who was destined to prove a troublesome neighbour to Henry II. He supported the Rising of the Barons in 1173–1174, but was surprised and taken prisoner at Alnwick. The price of his freedom was homage to Henry II (Treaty of Falaise). This act of homage would have been of great value to Edward I had not Richard I, in his eagerness to raise money for his crusading venture, agreed to annul the treaty on the payment of 10,000 marks (1189).

For nearly a hundred years (1189–1288) England and Scotland were at peace with each other ; Alexander III of Scotland marrying a daughter of Henry III.

(*b*) 1288–1339

Alexander III., however, died in 1288, and the throne devolved upon his grand-daughter, Margaret, the Maid of Norway. Edward I saw the danger from the perpetual

[1] The fight near Northallerton is better known as the Battle of the Standard.

bickerings between the two kingdoms, and to remedy this evil he arranged a marriage alliance between Margaret and his son Edward. The plan was favourably received by the nobles of Scotland, and at Brigham in 1290 a formal treaty was signed, the Scots making one stipulation, that the union was to be a personal one and not a union of the two countries. This was a statesmanlike way of solving a difficult problem, but the death of Margaret on her way to Scotland dashed Edward's hopes to the ground. The realm of Scotland, on the other hand, was faced with a disputed succession.

The three claimants to the Scottish throne were John Balliol, Robert Bruce, and John Hastings. Edward and an army of lawyers patiently examined their claims, and in 1292 by the Award of Norham the verdict was given in favour of John Balliol. It was an opportune moment for Edward to assert his so-called rights of overlordship. Balliol was a weak and vacillating person, and it did not seem likely that he would resist the king who had adjudicated his claim favourably. Balliol, therefore, was made to do homage to Edward for his kingdom. The Scottish nobles, however, were not going to submit to a king who was the puppet of a foreign monarch ; and so strong did baronial resistance in Scotland become that Balliol in 1295 felt compelled to renounce his allegiance to Edward and to make an alliance with France. This had the effect of putting Balliol in the wrong, and taking advantage of the narrow definitions of feudal law Edward determined to punish his recalcitrant vassal. Edward invaded Scotland, captured Berwick, and defeated the Scottish nobles at Dunbar (1296). The conquest of southern Scotland followed quickly, and Balliol resigned his crown into the hands of his feudal superior. From 1296 to 1306 Scotland was without a king, the government of the country being in the hands of English administrators. The defeat of Wallace at Falkirk (1298) and the capture of Stirling (1304), rendered the national party impotent.

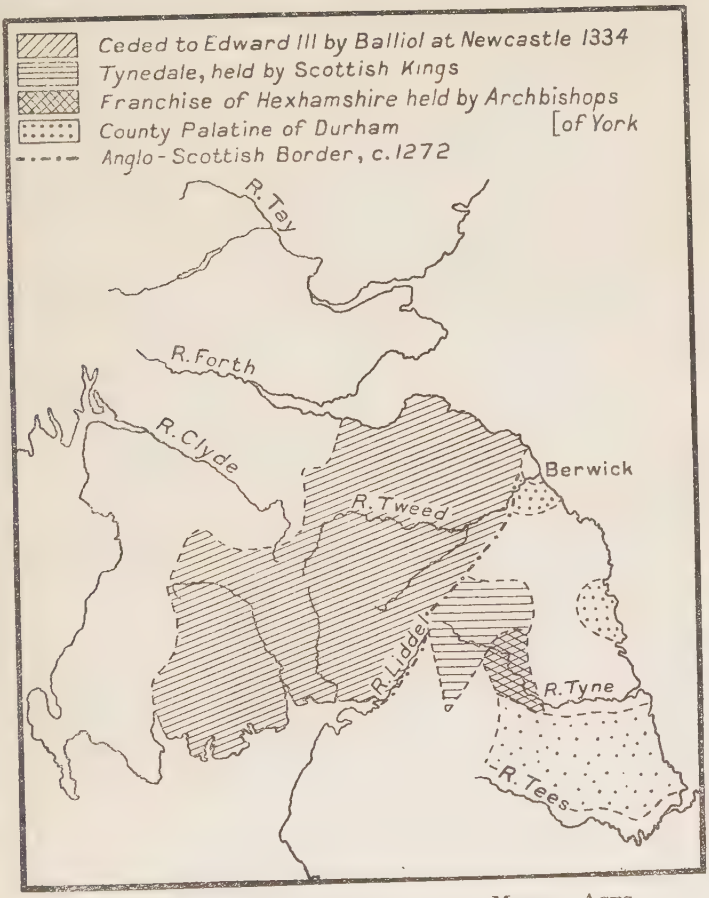
It was unfortunate that Edward II—"the first King of England since the Norman Conquest who was not a man of business"—should find himself the inheritor of a Scottish war. During the ten years that Scotland lay crushed beneath his heel, Edward I had attempted to introduce the English system

of government, *e.g.*, the Lowlands were divided into shires, sheriffs were elected, and justices appointed to administer the legal system; but his rule was distasteful to the native Scots, and on the appearance of Robert Bruce they flocked to the latter's banner in order to expel the English garrisons. Great ruler as Edward I undoubtedly was, he studiously ignored the claims of a nascent nationality, which, if not conscious of its power at this period, was fostered by his repressive policy. The inability of the English to hold the country, the overthrow of a picked army at Bannockburn, and the capture of Berwick four years later, were the outstanding events of Edward II's reign. National pride would not hear of a recognition of the *fait accompli*, although England was virtually *hors de combat* owing to domestic dissensions. Robert Bruce, an astute leader at all times, was not slow to turn the quarrel between Edward and his barons to his own account; the northern shires of England were raided and plundered; and the English baronage stood by and watched his depredations. One of the greatest blots on the character of Thomas of Lancaster is his failure to sink his differences with Edward II and defend his country against the Scots.

The fall of Isabella and her paramour Mortimer was the outcome of their failure to solve (in the opinion of their contemporaries) the Scottish Question. In 1328 they recognised the impossibility of maintaining a state of war against Robert Bruce. By the Treaty of Northampton they made terms with the Scottish king; (i) he was recognised as *de jure* King of Scotland, and (ii) the Anglo-Scottish frontier was to remain the same as it was in 1288. The country treated these terms as treasonable; the valiant struggle of Edward I had proved worthless, and after forty years of fighting England had gained nothing. The wrath of the English baronage was kindled against Isabella and Mortimer; they were promptly made the scapegoats of baronial inactivity and selfishness.

Under such circumstances the Treaty of Northampton was not calculated to bring peace to the two countries; England would wait for an opportunity to regain all that the hated Regents had dissipated at Northampton. Fortune favoured England. In 1329 Robert Bruce died, leaving the infant David II to safeguard the rights of Scotland. Edward III was

not the man to provoke a war; he must satisfy himself that his *casus belli* was justified. Again Fortune played into his hands. The Regency in Scotland refused to carry out the stipulations in the Treaty of Northampton for the restoration



THE ANGLO-SCOTTISH BORDER IN THE MIDDLE AGES

of the Scottish estates to those nobles who had supported the English cause. The "Disinherited," as they were called, determined to enforce their claim by an invasion of Scotland. They appealed to Edward for help, but he refused, however, to commit himself to an open breach with Scotland. Neverthe-

less, at the same time as he was protesting his peaceful intentions towards Scotland, he was conniving at the arrangements of the "Disinherited"—if not actually affording them material aid. Under the leadership of Edward Balliol, the invading force set sail to Scotland from Ravenspur. They defeated the Regent at Dupplin Moor, captured Perth, and elected Edward Balliol King (1332).

Edward's longed-for chance of abrogating the Treaty of Northampton had come. He claimed that since Scotland had deposed her lawful king he was no longer bound to the terms of the treaty, but a new arrangement must be entered into with a newly elected king. Edward Balliol, therefore, promptly acknowledged Edward III as his overlord.

But Balliol was a puppet king, and his hold over Scotland depended entirely upon English support. In 1332, when the English force returned home, Scotland rose and expelled the usurper. Edward III, as Balliol's overlord, undertook to restore his unfortunate vassal, and at the Battle of Halidon Hill he defeated the Scots, captured Berwick, and replaced Edward Balliol on the Scottish throne. The price of English support was the cession of the greater part of the Lowlands (Treaty of Newcastle, 1334).

As long as the English force remained in Scotland Edward Balliol was secure on his throne; but Edward III was soon to direct his focus on France. The English force was therefore depleted in order to form the expeditionary force for the invasion of the French King's dominions; and at the same time the Scottish resistance grew stronger. In 1339 Robert the Steward raised the country on behalf of David II; Perth was taken; and Edward Balliol's rule came to an abrupt end. England had failed to solve the Scottish Question.

(*c*) 1339–1503

The effect of English interference in the domestic affairs of Scotland was soon to be felt. David II, during the usurpation of Edward Balliol, had found an asylum at the court of the King of France, and had undoubtedly received certain aid from that monarch. Thus, when the Hundred Years' War broke out, he espoused the French cause, and undertook to attack

England as soon as a favourable opportunity presented itself. Such an eventuality could not be long delayed; the English king and the flower of his chivalry had sailed to France; ostensibly the country was defenceless. David II therefore made his invasion in 1346, and had not Queen Philippa, with the aid of the Percies and Nevilles, acted with promptitude, the Scottish invasion might have reacted unfavourably on the English fortunes in France. As it was David was defeated and captured at Neville's Cross, and for eleven years he remained a prisoner on English soil. In 1357 Edward permitted him to return to Scotland on his promise to pay an indemnity of 100,000 marks.

The period of active royal intervention in the affairs of the northern kingdom was over; throughout the remainder of the Middle Ages national antagonisms took the form of Border Raids, in which, on occasions, the kings of both countries participated. The families of Percy, Dacre, and Greystock watched the frontier closely, and when an opportunity presented itself they crossed the Border and plundered their neighbours' lands. The "uneasiness" developed into a regular Border feud; raids and counter-raids were made by the Percies and the Douglases, and in their quarrels the pride of their respective countries was involved. To trace the history of this sorry story would be neither profitable nor interesting; the annals of the Border are simple—vast tracts of country wasted by fire and sword, and untold suffering inflicted upon the poor unfortunate people who lived in those parts.

The revival of the Hundred Years' War by Henry V diverted the warlike activities of English and Scottish barons into other channels. The old Border feud was revived in France, where, by helping the French king against the English, the Scots had an excellent opportunity of paying off old scores. Moreover the outbreak of the "Roses Vendetta" enabled Scotland to play off one side against the other in England; at first the supporters of the Lancastrians, the Scots later turned their coats and fought for the Yorkists, receiving as the price of their treachery the fortress town of Berwick (1461). This frontier town, which had changed hands so many times during the fight with Scotland, was regained by the English twenty-one years later, since which time it has remained in English hands.

Until the reign of Henry VII no English king had taken an intelligent view of the Scottish problem; pretentious claims were asserted without a shadow of justice to support them; defeats were inflicted upon the English, who refused to acknowledge them; and, blindly following the mediæval doctrine that might is right, the English monarchy had fought strenuously to subject the Scots to their overlordship. Isabella and Mortimer had risked the making of a peace with Scotland in 1328, but their courage had cost them dear. Nor indeed can we be certain that they acted in such a manner because they saw the futility of maintaining an unequal struggle—for, as in Ireland, the struggle was unequal to the strength of mediæval England. Henry VII, however, was more far-sighted than the majority of his predecessors. He had a great liking for forming alliances by means of marriages; parsimonious to a degree, Henry perceived that it was a far cheaper way than war of purchasing security. Thus, he married his daughter Margaret to James IV of Scotland. The success of the alliance was not immediately apparent; there remained a tendency to "uneasiness," but in 1603, almost by an accident, the reward of Henry's policy was reaped, when James VI of Scotland became James I of England. But it is problematical if Henry VII can be considered as a mediæval sovereign, although the mediæval relationship between England and Scotland did not come to an end until his reign.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

A. Wales

Jones, Sir D. B., and Rhys, Sir John: *The Welsh People.* (Fisher Unwin.)
Lloyd, J. E.: *A History of Wales.* (Longmans.)
Morris, J. E.: *The Welsh Wars of Edward I.* (Clarendon Press.)

B. Ireland

Curtis, Prof. E.: *A History of Mediæval Ireland.* (Macmillan.)
Richey, A. G.: *A Short History of the Irish People.* (Longmans.)

C. Scotland

Brown, P. H.: *History of Scotland.* (C.U.P.)
Rait, Prof. R. S.: *History of Scotland.* (Williams and Norgate.)

D. General

Davis, H. W. C.: *England under the Normans and Angevins.* (Methuen.)
Vickers, K. H.: *England in the Later Middle Ages.* (Methuen.)

ESSAY XII

CHURCH AND STATE—SECOND PHASE: (1313–1532)

I. The End of Political "Hildebrandism" in England

That the king and his ministers and the representative political factions in England had closely appreciated the danger to themselves and the State from the Church's political activities, and had already moved strongly in the right direction to check the political ambitions of the Church in England, was suggested, if not demonstrated, in the concluding pages of the first Essay on this subject.[1]

The anti-papalism of Edward I was inherited by his successors. The fourteenth and fifteenth centuries saw the continuous undermining of the Pope's authority in the *political* sphere of the nation's life, either by the logical or the accidental application of this policy. The ruthless termination of England's official relationship with the Roman Church was foreshadowed long before the reign of Henry VIII, and, when it came, it could not have been surprising to those who were well informed either at home or abroad.

These centuries also saw the corruption of the political power of the Church abroad: the magnificent majesty of the thirteenth century Church, the visible glory of the Hildebrandine ideal, vanished with almost incredible rapidity in the collapse of pontifical authority in the fourteenth century, in the "Babylonish Captivity," in the "Great Schism," and in the heart-searching "Conciliar Movement" which followed these two supreme disasters. The reaction of such grave political defeats on the spiritual life and organisation of the Church was naturally exceedingly severe: the weakening of religious character, both monkish and secular, and the turning of spiritual idealism into scornful illusion, were inevitable features of the decadent Church. That mediæval civilisation was gravely endangered by

[1] See Essay IV.

this catastrophe to the Christian Church could not fail to be noticed: the real statesmen, both lay and ecclesiastic, saw the need of reform, and strove at least to avert further shame and loss by initiating reform movements. Thus, the complex forces were loosened in European organised society, which, slowly gathering strength and separating into two hostile bodies of thought and action, were, within less than a hundred years, to clash in the prolonged and disastrous "Reformation" strife for the possession of the Soul of Europe.

How far the English anti-papal policy during the thirteenth century was appreciated abroad, in France for example, and how far it was influential in stimulating that lay resistance to the Church's dominance which brought so sudden a collapse of the Papacy, are questions clearly full of interest, but questions as yet unanswered. That England was always the unruly member of the Church's family cannot be denied: if at this time England's conduct precipitated the most tremendous crisis of the Middle Ages—and the collapse of the Church must be estimated as such—then it is time that scholarship rightly assessed England's part either for praise or blame.

Without doubt, the policy of the English government in the fourteenth and fifteenth centuries was to check as far as possible papal political power and likewise preserve so far as possible the moral work and influence of the Church. The godless reign of Edward II is a sorry evidence of the Church's lack of power in governance, and the martial nationalism born of the first period of the Hundred Years' War was an insidious enemy to Christian Catholicism. It is, therefore, not surprising that as early as 1351 the *First Statute of Provisors* arrests attention. This forbade the Pope to nominate his favoured to English benefices: in so doing it tried to protect English patrons from the encroachments of papal power. That it sought to reduce the evil of "Plurality" was accidental. What possibly does surprise the modern student is the *First Statute of Præmunire*, passed two years later. This was a bold and an important attack on the heart of the papal preserves—the legal right of appeal to the Roman Curia. In forbidding any subject to withdraw "out of the realm in plea whereof the cognisance pertaineth to the king's court," this statute aimed to end the widespread abuse of ecclesiastical appellate jurisdiction, and, whatever success it

achieved was not only a loss to the Church but a vindication of royal authority as against papal in this highest of legal spheres. Such legislation would not have been possible had not the consciousness of England been appreciably lively in its resentment of political Papalism. And the next striking event (1366) seems to prove this. For then Parliament declared that no English king nor anyone else could pledge England as a fief to the Holy See *without the consent of the English people.* This formal repudiation by Parliament of the papal claim to the tribute granted by John in 1213 was an expression of national concern and policy. The victories in France had brought economic troubles to England, and following the Treaty of Brétigny in 1360, Parliament, being stronger than ever before, attempted to order economic reforms. Its first duty was to safeguard the nation from rapacity, and it did not hesitate to forbid both its king and the Pope certain privileges these dignitaries had hitherto claimed and attempted to practise. While Edward III and his ministers found these assertions of parliamentary financial control irksome, they did not, however, hesitate to prompt the pronounced anti-papal tendencies of this Parliament. Another evidence of these tendencies is that the use of the English language in the Law Courts was now ordered, and from this time became increasingly the fashion.

The strongest proof of this political movement against Rome is, after all, to be found in the growing strength of the "English Party" as against the "Roman Party"—a division of interests already seen to have arisen in the Regency of Henry III and to have influenced profoundly the political and constitutional history of the ensuing period. The English Party, strengthened by the duress of war and the need of domestic reforms, now (1361) became definitely anti-Roman. It aimed at personifying the nation as a political unit in active opposition to the Church in England as a political and financial agent of Rome. It never did personify the nation. It always remained a "Party." During the decade 1361 to 1371 this Party rose to the height of its power and influence. During these last ignoble years of Edward III's reign, John of Gaunt was the supreme political force. In 1371 all *clerical ministers* were dismissed. This was a grave event. It indicated umistakably that the English government intended to be as free as possible

in the future from papal political activities. Among the prelates dismissed were William of Wykeham, Bishop of Winchester and the Lord Chancellor: also that zealous political partisan, Brantingham of Exeter. This stern action was, however, not national: it was a party move. The State was grievously mismanaged, and the government and Court had become spheres of intrigue for place and power. Gaunt, with an eye on the possibility of succession to the throne either by fair means or foul, had assumed the leadership of the anti-clerical party and had been primarily responsible for the dismissal of the ecclesiastics. Wiclif had already drawn attention to himself and his teachings: his Movement was beginning to be assertive. Gaunt, seeking allies at any cost, patronised Wiclif and defended the anti-Roman politics of his Movement. Gaunt's hope is clearly revealed: it is that he might lead a national party, if not the whole nation, eager to free itself from Roman control.

The Black Prince, having recovered from his illness sufficiently to attend to the needs of government, saw the danger of Gaunt's factious policy and temporarily averted it. He regarded Wiclif as subversive, and Gaunt as an unscrupulous intriguer. Rallying the clericalists and the constitutional forces, he was responsible for the Good Parliament, 1376, which drastically checked Gaunt's plans. Becoming leader of the true constitutional-national party, he tried to undo the mischief done by the clerical dismissals of 1371. Gaunt's anti-clerical party was considerably weakened by defections to the Prince's party.

The position now is somewhat difficult to define. It is that the national political party, represented by the constitutional movement in Parliament, is led by the Black Prince. Its aim is national unity. Its relationship with the Church *politically* is ordered by the Edwardian policy of anti-Romanism: yet its alliance with the Church for moral and spiritual ends, and even for aid in the matter of domestic political government, is no less certain, and allows it to ally with the clericalists. On the other hand, Gaunt has been developing a faction which aims at the suppression of the constitutional movement, the rousing of the nation on the bitter memories of Roman tyrannies, the exclusion of clericalists from any governmental office: he, looking for allies from any quarter, has seen a potential force in Wiclif and has protected him and the Movement quickly arising in Wiclif's

trail and known later as Lollardry. The opposition between these two political-religious factions was acutely demonstrated in 1377, when Archbishop Sudbury, supported by the clericalist-constitutional party, summoned Wiclif to appear before the Provincial Consistory Court at St. Paul's Cathedral, London, to answer charges of heresy. Wiclif came; and Gaunt publicly championed him. The result was that no sentence was passed against Wiclif.

Just prior to this event, the Black Prince had died. Gaunt was again supreme, and the clericalist-constitutional party proved unaccountably weak before him. By a packed Parliament he at once undid most of the reform work of the Good Parliament, and generally organised a reign of terror, achieving among other things the deep hatred of London and the undying enmity of the frightened clericalists. At this juncture Edward III died. The opportunity longed for by John of Gaunt had arrived. Would he by a *coup d'état* seize the throne to the exclusion of his young nephew, Richard II? A most thrilling episode in English Court history follows—a fight for ascendancy in the Regency Council between the clericalist-constitutional party and the Gaunt faction. Gaunt is not strong enough to press home his initial advantages: slowly he is ousted from power: his retirement and expedition to Spain in 1386 are open confessions of failure. The clerical-constitutionalists have triumphed, and the young king, fully alive to the cruel need for duplicity in order to win his throne, is already taking his first steps along the daring road that led to victory—a victory which was but a step to ruin.

Hence, the position in 1386 is this: the clerical-constitutionalists are in power: they are apparently supporting the young king: Lollardry is suspect: and arising swiftly on the political horizon is the dreadful portent of the Baronial Movement—The Lords Appellant! Here the point of chief interest is—how far was the clerical-constitutional party *anti-Roman* in the political sense? How far were the insular aims inherent in the Edwardian Church policy understood or shared or opposed by these leaders?

At this point the "Great Schism" must be observed. The end of the "Babylonish Captivity" and the restoration of the Pope to Rome was a moment of high hope for the long-suffering

Church of Christ. At last, after more than seventy years, the glory of St. Peter was to be revived : man's wisdom and God's gracious and miraculous intervention were to combine in an irresistible union for the redemption of the Divine Kingdom on Earth. Alas ! How tragic appears this moment of ecstasy in the mirror of History ! The " Great Schism " starts its violent rupturing, and for another generation Christendom is divided in clerical allegiances and the Church more gravely menaced than before. Pope thunders against anti-pope : anathemas and excommunications and all the armoury of the Church fill the air and shock the conscience with their lightnings : governments, seizing the renewed opportunities of loosening still further the bonds of papal influence which in days long past have bound them all too tightly, take sides unashamedly in this gigantic struggle and reap rich political capital from the distresses of the Church.

England consistently supported the anti-popes. This in itself is significant. It is a clear inference that the English government meant to make as much profit politically as was possible. The clerical-constitutional party, now coming to grips with the Lords Appellant Movement, was more inclined to weaken the Roman political bonds than to strengthen them : this attitude may have been one of self-defence against the Lords Appellant ; but it must not be forgotten that the tradition of this anti-Romanism was now powerful enough to be respected, if not to be encouraged. The Peasants' Revolt (1381), with its shocking tale of barbarities, drove the Church back to the national position. While it did much to destroy the Lollard sect, it compelled Churchmen as well as the mighty lay nobles to think in terms of England. Lastly, in 1393 the *Great Statute of Præmunire* was passed : this forbade the bringing into the realm of Excommunications and Bulls touching the king and his realm. This, at least formally, was the final assertion of the English government's political freedom from Rome. The wheel had made its complete turn. The independence claimed by William the Conqueror, evaded, lost, partially recovered, to be lost again, had now after three centuries been re-asserted, and the conditions of ecclesiastical politics throughout Christendom were most favourable for the re-assertion to become a reality.

Despite the firm alliance of Henry IV and his son with the Church, the exercise of ecclesiastical influence in the political government of England continued to weaken during their period of power: while in the terrible era of civil and foreign war which followed, the Church in England politically fell to its nadir. Hildebrandine policy, never congenial to English atmosphere, and never more than temporarily successful in the thirteenth century, was finally exposed as unfitted to English needs: never was it revived, and, in common with many other truly mediæval "causes," it perished in the lusts and orgies of the fifteenth century.

2. The Hildebrandine Spiritual Ideal

If Hildebrandism failed politically in England, did it succeed spiritually? It must be remembered that this high ideal was twofold in aim. The spiritual aim can be summarised as a more efficient personal and religious discipline. The ready illustrations are: (i) The clergy should be a "*clericalis militia*," trained in obedience to superior Orders, and in their lives models of the Christian Virtues. "To be in the world but not of the world!" was their meet watchword. For the attainment of this ideal sacerdotal character it was necessary that the clergy should be both educated and chaste—the latter condition being rigorously pursued to its logical conclusion in the official insistence on clerical celibacy; (ii) The imposing of the Sevenfold Sacramental System on the faithful and its elevation into the centre of the complete scheme of the spiritual administration of the Church.

These two mighty reforms, clerical celibacy and the acceptance of Peter Lombard's Sacramental System do not exhaust so important and comprehensive a plan of Church and religious reform as that of Hildebrandism: they are here selected as strongly typical, and, generally speaking, the most important for consideration. Side by side they marched into the mediæval Church, and, checked in their progress or triumphant in their advance, they are always found together in the vanguard of the spiritual militants.

The Hildebrandine reforms were legalised by the famous Lateran Councils: later, other equally famous Councils, *e.g.*

the Councils of Lyons, were resolute in insistence on obedience to these reforms. In regard to the Church in England, it is interesting to note that not until the Council of Westminster (1200) was there any definite effort made to bring English religious discipline into conformity with the new models. The canons of this Council are verbal repetitions of parts of the Third Lateran Council (1179) and bear witness to the startling facts that the English clergy were not celibate and were probably ignorant of the Sacramental System in its fuller and contemporary connotation. The teachings and precepts of this Synod of Westminster fell on stony ground, and the tumultuous period of John's reign did not conduce to strengthening clerical discipline. The triumph of the Church in the ensuing period, and particularly its political grip on England during the reign of Henry III, offered a unique opportunity to the Papacy for reforming the Church in England. The Fourth Lateran (1216) had issued its solemn decrees: every Church in Christendom had been made to understand that the Hildebrandine ideal of religious life and conduct was to be its accepted standard. And the Church in England especially, so backward and wayward, had to be taught a severe lesson.

The lesson began after the return of the bishops from the Fourth Lateran Council (1216). Chief among them was Poore of Sarum, an active and zealous prelate, who did his best to inculcate a higher type of morality and education among his clergy. But, more important to note, is the advent of Stephen Langton, the veteran scholar and patriot who led the constitutional struggle against John. He, a nominee of Innocent III, was clear-eyed in his task of reforming the Church, and, sparing no pains, infused the bishops of his province with the new conceptions of their office. At the great Council of Oxford, 1222, the bishops and abbots of England deliberated on the need of Church reform, and issued a long series of decrees purposeful to regulate for the better the life of the Church. Prominent among these are the command of clerical continence, the putting away of "wives," the teaching of the new Sacramental System and insistence on the obligation of the religious duties involved, the better ordering of monastic life. A little later Langton issued other decrees which illustrated with a wealth of detailed instruction how the clergy were to administer the

sacred rites in the Sevenfold Sacramental System, and in these especial stress was laid on obligatory Confession and Communion.

Thus was the reform movement launched. It sailed boldly forward: the pilots were bishops of masterful character who did their best to navigate uncharted and perilous waters: the voyage was therefore full of adventure: prolonged and courageous in its course against a host of dangers, it did not succeed to the measure of its expectations.

Throughout the thirteenth century and far into the fourteenth the English bishops for the most part did their best to raise the standards of clerical and lay religious life. But the tradition of marriage could not be killed in the memory of the English clergy, and the evasion of the Church's law was continuous and exceedingly damaging. Nor could the clergy be educated sufficiently in their duties of administration to become an efficient clergy according to the Roman standard. The extant episcopal documents of the thirteenth century record many protests, ever more and more vehement, against the lapses of the clergy, and are full of detailed instructions (based for the most part on Langton's model Constitutions) concerning the administration of the sacraments and other clerical duties. Ecclesiastics such as Poore, Grosseteste, the Giffards, and Quivil of Exeter were the leaders of reform in this century, and their less famous brethren followed their examples of trying to enforce clerical discipline. But the tale of the fourteenth century is the same and is interesting evidence of the fact that the gravest need still remained of reforming the Church from within.

The example of the higher clergy themselves did not aid the reform movement. These ecclesiastic feudatories stood with one foot in the secular world and the other in the religious world. Although powerful officers of the Church, their services were necessary in the political government of the realm. For these services they had to be paid. Many of these dignitaries naturally were men of the world, and gave only lip-obedience to the high codes of conduct they were compelled to enforce on their inferiors. Such administrative abuses as Pluralities, Absenteeism, Procurations, Nepotism, and such personal defects as incontinence, avarice, tyranny in office and utter lack of holiness, far too commonly characterised the

generality of the higher clergy, and obviously went far to counteract their efforts to reform their diocesan clergy or inspire their flocks with respect for themselves. Men of saintly character stand out, such as St. Hugh of Lincoln or St. Edmund of Canterbury: but they are rare. More often the masterful ruler is seen, such as Grosseteste, Giffard or Quivil. Far too often, indeed, are the highest offices of the Church necessarily held by the king's nominees, his henchmen in governance, secular statesmen in mentality and efficiency, but wholly lacking the stuff of character which allowed St. Thomas à Becket to transform his secular self into the saint acclaimed by the Church.

Throughout the period of the Church's triumph in Europe the Popes did not lose sight of the fact that the English clergy needed remonstrance and careful ordering. Legates came and went: their object was twofold—the tightening-up of the administration of the Church and the garnering of taxes. The visits of Cardinal Otho (1230) and Cardinal Ottobon (1262) and their famous Councils of London are illustrative of this policy. And, as often as the Pope succeeded in putting a man he could trust in the Chair of St. Augustine, that man, be he a worldling like Boniface of Savoy or a fiery monk like Peckham, was to be flagellant of the Church and its clergy. These supreme Councils of the mediæval Church in England—the Councils convened by cardinal-legates and by archbishops of Canterbury—offer sad testimony that the reform movement was going none too well. Their canons are repetitive of the same faults and abuses almost *ad nauseam!* It is always that the clergy are incontinent, the clergy are pluralists, the clergy are absentees or not in their right Order; that the clergy must be instructed in the proper modes of administering the rites and ceremonies of the Church.

In so brief a sketch it is impossible to do justice to so rich a theme of historical enquiry, and it is easily possible to suggest wrong or unjust conclusions. It would seem, however, to be a fair summary of the position to state that the Hildebrandine ideal of clerical discipline and religious life for the faithful through their obligatory obedience to high standards of ritual and ceremonial in the Church's practices, was not attained in England. While undoubtedly a large measure of success

justified the great experiment of reform, there were always present difficulties of personal character, traditions of a "different way," and dangers of secular avocations of the clergy, which prevented a full success. And, when the disasters of the fourteenth and fifteenth centuries clouded the Church Universal in odium, when the Church of Christ appeared little more than a taxing and a legal machine fighting to retain political influence and economic power, when the character of the higher clergy was ecclesiastical rather than spiritual, this splendid ideal of religious conduct was generally doomed. Only in rustic English parishes where saintly fathers-in-God still retained the confidence and love of their flocks did it live healthily.

The point worth noting is that throughout this long period of internal reform the Church in England never took kindly to Roman proposals: historical records prove there was always latent and frequently overt opposition. Hildebrandism, in religious conduct as well as in political affairs, never appeared congenial to the air and life of England. The problem is: even if it had been warmly accepted, could it ever have survived here?

3. Wiclif: Lollardry

John Wiclif was one of the few great Englishmen of the Middle Ages: the Wiclif Movement was also a true product of the English character.

Born about 1320 in the Richmond district of Yorkshire, Wiclif is both in boyhood and in early manhood even a greater mystery than is Shakespeare. He was educated at Oxford, but the conditions of his residence are unknown. Of his scholarship, his gifts of leadership, his strong fearless character, his independence in a servile age, there is more than sufficient testimony. A great figure in the University, he held many important posts of teaching and administration, and filled them with distinction. He was Master of Balliol: and it is thought that he was Warden of Canterbury Hall. Theology and philosophy were his special studies, and his fame was noised abroad as the meridian of his life approached. A priest of the Catholic Church, he directed his critical mind against the abuses, both administrative and doctrinal, of the Church, and

slowly elaborated his famous indictments. Holding only one living at a time, he gave a practical illustration of his contempt for the common abuse of Plurality, and, when in due course he was expelled from the University, he found a quiet retreat at Lutterworth in Leicestershire, a village destined to become famous as the centre of his Reform Movement. "Owing to the difficulty of ascertaining the exact dates of his different books and pamphlets, it would be hard to distinguish between those of his theories which issued from Oxford and those which first appeared at Lutterworth. . . . It is enough to know that his demand for disendowment preceded his purely doctrinal heresies, that his quarrel with the friars came to a head just before his denial of Transubstantiation in 1380, while his attack on the whole organisation and the most prominent doctrines of the Mediæval Church is found in its fulness only in his later works." [1]

The chief events in this man's career are probably as follows: his various posts at Oxford; his trial before the bishops at St. Paul's, 1377, and his protection by John of Gaunt; his expulsion from Oxford, probably in 1380 following his attack on Transubstantiation, an act which not only lost him the support of Gaunt, but weakened his popularity; his founding of his movement of "Poor Preachers," 1381; his condemnation as a heretic by the "Council of the Earthquake" convened at Blackfriars, 1382; his retirement to Lutterworth and his unremitting propaganda until he died in 1384.

Against the dreary background of the period Wiclif, despite his sombre dress, stands out an arresting figure. He dared mightily to oppose the mightiest: and in his devotion to the cause of Right and Truth none has excelled him. Only a close study of the Middle Ages can do justice to his moral heroism. Only those who can understand the strength and autocratic nature of the Church even in its decay, and its intimate association with the State as a disciplinary agency, can appreciate the strength of character and the depth of conviction required to raise so formidable a rebel as "The Morning Star of the Reformation." Whether right or wrong in the age—and probably the age was justified in condemning him—posterity, with the ample

[1] Trevelyan: *England in the Age of Wycliffe*, p. 170. (Longmans.)

pages of the Reformation open before them, will in all probability agree that his vision was true, his standards of moral and administrative worth sound, even if the means he adopted to give his dreams actuality were injudicious. That his work undermined the existing Church and the contemporary order of economic organisation cannot be denied. That his work was an immense pioneering achievement which broke the way for the great mass movements during the Reformation also cannot be denied. Thereby he won immortal memory, whether the memory be regarded as diabolic or divine. To claim, however, that he was responsible for the tragedy of Huss, or even of the English peasants who were killed in their efforts to gain a larger measure of freedom in 1381, or to lay to his charge the many terrible martyrdoms which were later to revive his name, is an arbitrary act which takes too little account of the accidents of life arising from the interplay of human personalities.

The state of the Catholic Church demanded protests and criticism. Abuses of all kinds were rampant, and the character of the official classes of churchmen was for the most part unworthy. The reformer was needed. His work, apparently rebellion, was a necessity. Whether he worked from *within* or from *without* the Church was an act of judgement. Wiclif worked from *within* until he was condemned. He laboured to attack all the abuses of the "Cæsarian Clergy" and strove unceasingly to cleanse and strengthen the character and the administration of the Church. That he was orthodox in this period is indubitable. Nor was his orthodoxy impugned when in the zeal of his conviction he preached his gospel of apostolic simplicity, urging the wealthy dignitaries of the Church to self-examination in which they would see that they were corrupt owing to their enjoying too many of this world's goods, and protesting that they should give up their possessions and live again after the model of Christ and His followers. Convinced that the Church could never be healed of its worldliness so long as it fattened on endowments, Wiclif logically arrived at his famous principle of Disendowment. Such a principle was rich political food for certain ravenous political factions, and Wiclif found himself famous as a political agent rather than as a Church reformer. The alliance of the Gaunt party with the principle of Disendowment was both an embarrassment and a

blessing. It meant protection by a temporarily ascendant political party: it also meant that the Church had marked Wiclif down for destruction. To attack the economic position of the mediæval Church was to wound it in its vitals.

Up to this point Wiclif was fairly secure. But his later attack on the doctrines of the Church, especially his condemnation of Transubstantiation, his determination to translate the Scriptures and to use them in his ministrations, was sublimely courageous, but perilous almost to fatality. The Church could strike him, and in striking him was assured of the approval of the age. Indeed, to extirpate an heresiarch who propagated such dangerous political opinions that Disendowment and Secular Control were essential to save the Church from futility was without doubt a necessary and a congenial task. Shades of Hildebrand! It was a religious duty!

Lollardry was characteristically English in its objectives and ideals—the winning of political and spiritual freedom. That its methods were wrong in contemporary eyes as well as in modern cannot dim or weaken the vision of liberty its devotees saw but failed to realise. The Lollards were experimenters in individual thinking: holding the Bible as the supreme authority of Faith and Moral Conduct, they placed an implicit trust in their own interpretations of the Book and its teachings, to the discredit and final exclusion of an authoritative Church. Allowing political conceptions to run yoked with theological and moral conceptions, they found State government gravely at fault in its necessary restrictions of political liberty. This opinion was a most serious disadvantage, especially when reinforced (as it was) by the spiritual but impractical conception of "dominion founded on grace," which, being divested of controversial trappings, meant that the right to rule depended solely on visible Christian conduct in administrative character! The Puritan is foreshadowed in the Lollard. His simplicity of life, his narrow political opinion, his severe moral code, his democratic conception of the Church as an institution, above all his self-authority in the intimate matter of authoritative revelation of religious truth—all are found again, revived and immeasurably strengthened into the self-confident manhood of the Puritan communities in the seventeenth century.

Lollardry was premature—not in its protest—but in its

practical activities. Its combination of politics and economics with religion was a theoretical effort to give a new unity to life, but this combination went far to kill it. The portent of the Peasants' Revolt troubled fourteenth century England: its widespread tragedy was the cruel zeal of a governing class to defend their means of authority—their property—from those whom they regarded as servile. Spencer of Norwich (surely he is unworthy of the official title of Bishop) typifies the class. The killing of the servile was wide-spread and resolute. It is generally conceded that this Revolt and its political and economic consequences so discredited the Lollard Movement that henceforth it was no serious danger to the body politic of the State. As a subversive Movement it was now known and evaluated and was never allowed another opportunity to gather its forces for militant tests of strength with the powers regnant in a dominion *not* founded on grace!

Another cause for this process of material enfeeblement of Lollardry was the withdrawal of Lancastrian support. With the defection of Gaunt this became a visible fact. And the Lancastrian kings, although suspect of toying with the proposal of Disendowment and of Secular Control, nay, even of discussing and planning the possibility of applying these revolutionary principles, were themselves so much dependent on the alliance of the Church that they could never go further in the matter. The "*De Hæretico Comburendo*" (1401) was a death knell. And its funereal note was oft to be tolled.

It is a truism of history that a persecuted cause flourishes. Martyrdom is the best of advertisements for a religious cause. Lollardry is no exception. The records of this Movement prove the spreading of both its economic and doctrinal propaganda until its many tributaries found their way into the main Reformation stream. The martyrs, chief of whom were William Sawtrey of St. Osyth's, Walbrook, John Badby, and Sir John Oldcastle, were literally beacons of truth in the eyes of an ever-increasing number of lowly followers. Their determined circulation of the Wiclif Bible, their fidelity to the right of the citizen to private judgment and its verbal expression, their naive conviction in heresies, their futile cherishing of the new economic teachings of the Poor Priests, and above all, their mistrust, deepening into hatred, of the Church, all found bitter

justification in the persecutions endured and the martyrdoms offered for righteousness' sake.

The influence of this Lollard movement within both Church and State is difficult to estimate, as Gairdner and Poole and Trevelyan discovered. That it was considerable is evidenced by the interest of royal ministers and the Houses of Parliament in the proposal to confiscate Church property and the demand by the Commons that it should be enforced. Nor can there be much doubt that the warlike policy of Henry V was welcomed and abetted by the Church as an expedient to stop this Lollard " reform " from becoming an urgent political issue. And in the general collapse of Church institutions during the fifteenth century, it was only natural for thinking and harassed men to seek new avenues and fields of religious satisfaction : in the Lollard Movement and its kindred loose organisations this satisfaction was possibly found despite all suspicions of political treason and heretical associations.

Another reason for the comparative failure of this Movement is the intellectual ignorance of the age. Wiclif was ahead of his time—an intellectual giant. His criticism of doctrine cannot have been understood by the laity, while the learned among Churchmen were alone equipped to answer him. Confusion and doubt therefore arose; and Wiclif's teachings had to be whittled down to commonplace instruction, a process exceedingly damaging to Wiclif when undertaken by enthusiastic and ignorant disciples, whose economic needs were often more powerful than their religious aspirations. Trevelyan has pointed out that following the Revival of Learning the laity was better furnished intellectually and therefore the readier to support the later Reformers. Wiclif had no such help. All around him was sullen and pathetic ignorance : that he tried to enlighten it rather than to use it for an ignoble end—the demagogue's end !—is not the least argument in his justification. To argue that in view of this ignorant condition of the masses Wiclif's theological speculations and teachings were premature, is an arbitrary assertion. No criticism of wrong can ever be premature. Trevelyan's answer to this assertion may fittingly close this short review of Wiclif, his Movement and its consequences.

" Apart from questions of doctrine and ritual, the importance

of Lollardry was great in formulating the rebellion of the laity. That rebellion was directed against the attempt of the Church to keep men in subordination to the priest, after the time when higher developments had become possible. If Wycliffe began the doctrinal and ritual revolution, even he did not begin this wider movement. Lollardry was but one of the many channels along which flowed the tide of lay revolt. Chaucer, Langland, Gower, John of Gaunt, the rebels of 1381, the townsmen rioting against the monasteries, the Parliament men who demanded the confiscation of Church property, those who would not do penance, those who refused to appear in the Church Courts, those who would not pay tithe, were all striving in the same direction. Lollardry offered a new religious basis for all . . . The Lollards asserted that ecclesiastical evils were not necessarily sacred. . . ."

"Those who still believe that liberty of thought has proved not a curse but a blessing to England and to the peoples that have sprung from her, will regard with thankfulness and pride the work which the speculations of Wycliffe set on foot and the valour of the devoted successors accomplished." [1]

4. The "Stubbs *v.* Maitland" Controversy

How far was the Church in mediæval England an integral part of the Roman Catholic Church? Was the Church in England individual and "insular" in both its character and its institutional life and therefore English rather than Roman, despite its Roman "forms" and its allegiance to the Pontiff?

This tremendous question has been debated often and thoroughly during the last fifty years by erudite historians. The student of the Middle Ages cannot escape its challenge. It is arresting, interesting and exceedingly important. Modern conclusions generally accept the brilliant summaries of Maitland, who, arguing chiefly from legal premisses, established legal continuity and intimate association of the Church in England with Rome, and thereby suggested, if he did not prove, that the Church in England was an integral part of the Roman Catholic Church. In all forms of its institutional life,

[1] Quoted by permission from Trevelyan: *England in the Age of Wycliffe*, pp. 351–2 (Longmans).

its material organisations, its hierarchic system, in its body of dogma and doctrines, in its ceremonial and ritual, in its legal system of courts and procedure, in its allegiance to the Pope and the Roman Curia, the Church in England was true to the Roman type and *must be considered as a subordinate Church within the Roman Catholic Church.* This position is *strictly limited*, although it appears to be wide and strong. Its limits are those of a spiritual institution—"a visible Church"—possessing certain spheres of civil jurisdiction, *e.g.*, all suits concerning Marriage and Testament.

The introduction of political conceptions is the point of danger. The limitations already indicated tend to become confused or lost when the political rights or authority of the Church are discussed. This political discussion is inevitable in the Middle Ages. The Pope claimed temporal sovereignty: Hildebrandism was as much a political form of sovereignty as it was a claim to spiritual dominance: and this temporal sovereignty of the Pontiff was often successfully asserted.

The struggle in England to keep the Church within its proper limitations of authority, *i.e.*, the contest between the temporal power in England and the ecclesiastical authority in England (supported by Rome) for political supremacy, has been the main theme of these two Essays on *Church and State.* It has been suggested that the English government, at least since the Conqueror's day, was fully alive to the need of checking papal aggression in the sphere of temporal government; and despite periods of high success, the Papal sovereignty over temporalities was at length denied, refused and defeated. If this was so, it is highly important, since it confirms England's independence of Rome, at least politically in the Middle Ages.

The question: how far was the Church in England regarded by the English governing classes as a Church *independent* of Rome, *i.e.*, as a Church in free alliance with Rome, is full of difficulty, but absolute in its demand of an answer. Could the Church be true to type and yet independent of the type? Maitland's school of opinion suggests that this is impossible, and constantly seeks to expose the legal bonds which it thinks held the Church in England subordinate to Rome. Yet there are many other evidences which suggest that this legal subordination was never fully or freely conceded in England, that it

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was always subject to protest and struggle, that its formality was a duress consciously objected to, and that the tendency, often called "insularity," making for the Reformation, was always inherent in the island Church.

Prominent among these is the logical reaction of the political struggle. Victory lay with the English governors: it is incredible that these men never reacted to the opposite pole and questioned the spiritual right of Rome to dominate *their* Church. Interlinked with this is the conception of nationalism and the part it must have played. Edwardian England was remarkably national in many aspects of its character and work: insularity found many expressions: that it failed to mark its natural antagonism to an alien spiritual sovereignty is to ask too much (or too little) of it. The spirit of hostility to Rome, both in the thirteenth century and especially in the following centuries, was admittedly political, but religious considerations cannot be excluded in face of the open revolts in the latter period. Spiritual authority is abstract: it cannot live unless made "visible" in the organisation and life of the Church and churchmen. The eyes of the age were turned not so much on heaven as on earth; and, in particular, were the visible demonstrations of spiritual authority the daily subjects of observation. Hence, the hostility of the English against ecclesiastical abuses and "Cæsarian Clergy" could easily become, and doubtless did become, a protest against the spiritual domination of Rome.

The reform movement within the Church during the twelfth and thirteenth centuries (already discussed) lends credence to this view. How far were the canons of the great Laterans and the later Councils willingly received in England, and how far were they faithfully observed? Generally speaking, Rome failed to compel English obedience to these authentic rules: both clergy and laity were backsliders, and the power to coerce them was never strong enough for its task. And when these high Hildebrandine ideals were forfeited by failure, and the Church Universal sought consolation in piling up wealth and empty symbols of power, both the clergy and the laity in England would tend to react all the more powerfully to the traditional insular character of the Church and become more and more articulate in opposition to an alien spiritual overlordship. The

questions of Clerical Celibacy and the acceptance of the Sevenfold Sacramental System offer fair tests. How far were these reforms accepted in England? The usual supposition that they were eventually accepted and faithfully held is open to the gravest doubt; and in this field there is still full scope for the student to re-read the records and establish historical truth.

Another avenue of approaching the same question of English free and full acceptance of Roman spiritual authority lies in the analysis of human nature. It is commonly supposed that the mediæval period was a "religious" period, that all men from their birth till their death were by environment and conditions of life inevitably subjected to ecclesiastical influences which made their allegiance to the throne of St. Peter a foregone conclusion. Was this so? Is it not too easily assumed as an answer to so many difficult questions—one of which is here being exposed. What part did the human factor play—subtle, silent, powerful in fashioning a final answer?

It is unwise to assume that the ordinary men and women of any past period were inferior in intelligence to ourselves. Commonsense and an ability to evaluate the experiences of life are happily the inalienable possessions of the healthy average person, especially if he or she be born in a civilised race. The mediæval civilisation was of high degree. Its people were of average human power. And the English were an advanced people, enjoying considerable advantages of economic and political interest. What part, therefore, did the human factor play in this far-reaching question? How did the "big" events of the national life react on the average intelligence of the nation? How far was this average humanity truly religious or superstitious or mystical or ignorant or bovine? What was their view of the Church and the religious benefits it dispensed?

That the people of mediæval England were truly religious to the point of sanctity is as foolish an assumption as that they were so lacking in commonsense as to be the victims of a priesthood always preaching the miraculous. They were, doubtless, much like ourselves, acutely aware of the "abiding veracities" of Good and Evil, and generally desirous of the Good. The instinct of religious service and character, the fear of God and the desire to justify life in His eyes, troubled them

as it does us. And the Church was to them, as to us, the House of God, where peace and consolation could be found, the fount from which the distressed soul could drink of refreshing waters. And, if to-day all Christian men are troubled by the inability of the Church to bring peace on earth or even to calm the doubts that will arise in the hearts of the faithful, if to-day commonsense has to come to aid character shaken by spiritual failure, and average human qualities have to be developed to sustain the reeling religious convictions, what must have been the case with men and women "like unto us," who lived in the mediæval world and were witnesses of catastrophic struggles between the Church of God and the Kings and peoples of the Earth such as we pray we shall never see? It was a period of war, of devastation, of vice. The itch of power made the mighty in both Church and State lust after dominion. The world of Europe was stretched on the rack, and its tortures were visible in the sufferings of its people. And if the Church withheld its lightnings and no longer waged Crusades against Saracens or Albigensians, and no more sought to frighten men with its anathemas and excommunications, the horrible continuance of war was not checked; for kings and nations strove with one another for the booty of conquests; and if this form of militant activity was exhausted, then nations would try to consume themselves in orgies of internecine civil strife.

Even if it be conceded that all conditions of mediæval life were rougher and manners cruder than those enjoyed to-day—and such a concession to this age is a customary demand—the sensibilities and susceptibilities of average folk were humanly as sharp as ours. Had they no revulsion to the reign of the warlords of the Church as well as of the State? Were they unable to draw obvious inferences based on empiric notions of good and evil? Were they themselves, driven by the unappeasable itch of power, quick to live desperately and to act in wicked deliberation? Or, were they not touched with sadness and shame that swiftly grew into disgust and contempt of such wickedness? Machiavelli argued that morally man has always been and will always be immutably conditioned. As we in the mass should have quailed before those reigns of terror and tyranny, and, recovering, summoned our common moral standards, supported by commonsense, to assess their value,

and, having assessed them as devilish, should have abruptly dissociated them from God, *so doubtless did the folk of Mediæval England.* And if in that age of Church mightiness the hierarchy from monk to abbot or from rector to Pope was known to have been actively concerned in fomenting and waging such terror, then the Church and all it stood for would inevitably have been clouded with discredit which would have deepened into odium. Money talks. It always has. The Church's rapacity was not limited to a season ; it was perennial. The victim paid ; but the victim was possessed of reason and possibly business instinct—both qualities sharpened by adversity. Here again was a prolific source of popular apathy to the Church. Langland was representative of his class and their opinion. His *Piers Plowman* was of lowly birth.

Frequently in such discussions—not that it is often discussed—it is asserted that the absence of any other background for mediæval life than spiritual consolation in heaven was an unfailing condition of the masses' enslavement to a superstitious religion and its priesthood. To-day, it is said, Science has redeemed mankind from such religious thralldom : the marvellous panorama of Nature, chained by knowledge to be the servant of men, is the visible demonstration of Freedom ever before us. The Middle Ages certainly lacked this vision and its sustaining promise. But was the background of their life limited only to celestial hope as a recompense for present misery ? Often, maybe, but not constantly or commonly. Man is too wise in experience, and in his natural gifts of reflecting on experience, to be so narrowly limited Rather were the conditions and nature of mediæval life—niggard, brutal and of inherent evil posturing as the good—powerful to change the background from religious hope to one of melancholy and spiritual despair. The Church as it was in its actual life would then have been exposed : its shames would have effaced its glories : its consolations, so intimate for heartsease, would have been spurned as rank. And, if throughout this prolonged pilgrimage of the English people through the vale of spiritual discontentedness, there had persisted the memory of another Church, an island Church, a Church isolate from Rome and worthier in its work, would not this tradition have fed aspiration, and would not aspiration have beatified (although quite in

error) the "English Church" of so long ago and have prayed for power to revive it? Such thoughts are not fantastic: they were in all probability realities in this age of the Church's highest glory. But, as has been stated before, the Middle Ages can only be understood and evaluated on paradoxical principles.

Space forbids the working out at any fair length the suggestions—not arguments—set forth above to the effect that the English as a people were not passive in their subjection to Roman spiritual authority and that the Church in England itself was restive beneath the same yoke. Clearly, however, they indicate that a re-reading of the period in the light of *human* values as well as with the aid of documents is necessary if modern opinion is not to be fettered for all time by the legalistic deductions of the Maitland School.

The strength and influence of contemporary theorists and civil lawyers must also be carefully considered in this controversy. It may well be found that too little attention has been paid to their power in the moulding and exciting of contemporary opinion. The subject is far too big for this limited paragraph, but it cannot be passed over altogether. The student will find a most fascinating task awaiting him in reading the works or the opinions of such thinkers as Pierre Dubois or William of Ockham or Marsiglio of Padua or any of their eminent successors. In these men and their disciples the student will find the originators and celebrities of a renowned mediæval school of *political* theorising and philosophical speculation which was secularist, non-scholastic and *anti-papal*, and which was without doubt mighty in fashioning the political thought of later (modern) times. European development to the Reformation was not blind: ideas and an attitude of mind directed it: it had responsible authors. And among these thinkers are to be found its intellectual leaders.

The importance of their political work is seen in their successful defence of royal and State reactions against papal authority or assumption of authority. During the last decades of the thirteenth century, these men arose to dispute the political rights of the Papacy, and laboured daringly to define what to them appeared to be the just delimitations of ecclesias-

tical and secular authority in the State. Secularism had at last found its apologists. It is significant that within thirty years the " Babylonish Captivity " of the Papacy had begun. The sovereignty of the secular State had been successfully asserted in both England and in France.

Pierre Dubois (1255–1322) was a civil lawyer, and became in common with his class a skilled agent in secular concentration, political absolutism and unchecked taxation. Being dependent, the lawyers were subservient to the throne and hostile to the Church. They were the apostles of Roman law, and the pagan conception of the State was their ideal. When Boniface VIII opposed Philip the Fair about taxation, he was maintaining the ancient liberty that taxation must involve the consent of the taxpayer—a principle ill-digested by the " Great Leviathan " of the future Modern State. Dubois is an arresting figure. One of the earliest of those political philosophers who championed the State as against the Church, he mirrors in his writings the whole later attitude. He is the complete secularist. The history of France was worked out on his lines with remarkable fidelity, and Richelieu's *Catholic State* might well have been written by him. He visioned the Pope residing *permanently* in France, with a majority of French cardinals, receiving an annual rent and acting with docility as the agent of the French king !

William of Ockham (1280–1340) is an English contemporary of Dubois. He became a Franciscan, and studied at Oxford and Paris. An unflinching opponent of the Papacy, he demanded a Church without property and one controlled by the State. He took sides with the Emperor against the Pope; and in his great book, the *Dialogus*, stated that the Emperor may depose an heretical Pope, but the Papacy may not interfere in imperial affairs. He argued that Popes and General Councils are fallible and that the constitution of the Church is variable.

Sufficient has now perhaps been said to indicate that as early as 1300 there was abroad throughout western Europe an intellectual movement against papal political claims, a movement which was destined to become more and more powerful until it attacked and assisted to overthrow the mediæval Papacy. How far was this movement known and appreciated in England ? How far were English scholars, politicians and

lawyers inclined to support it? How far were the intellects devoted to the service of the Church, the canonist-lawyers and the bishops, able to defeat it in the councils of the king and the State?

The doctrine of secular absolutism can be traced from Peter Dubois and Ockham through the speculations of the fourteenth century until it is found in the ideas of the Conciliar period. Gerson (1363–1439) was a keen student of Ockham, and Luther acknowledged in him his master. The strength of this movement was formidable when Wiclif was preaching and writing, and unmistakeably he was one of its leaders.

The question is: how far was this intellectual debate influential in deciding anti-papal policy in England when political issues were involved? The answer has never been fully made. Figgis taught that the sovereign State was the achievement of the Reformation; but previous revolutions of thought had prepared the way for its acceptance. The complete answer would probably reveal that the English success in establishing the secular ideal of a dominant State as opposed to the Hildebrandine ideal of a subordinate State was a rational success, *i.e.*, the result of argued policies based on principles of political theory sponsored by this powerful school of philosophic secular-minded-lawyers.

In conclusion, there is one more line of fruitful speculation and research which might well be profitable to serious students of this problem. What were the views of the good and the great dignitaries in the Church in England, of Anselm, Becket, St. Hugh of Lincoln, Langton, Grosseteste, and of all the noble order of ecclesiastical "patriotic" statesmen? They were largely instrumental in building mediæval England *politically*: but their dual capacity of royal and papal service was a paradox. How did they explain it? And were they conscious of strengthening opposition to papal dominion in their political work? If so, were they never doubtful that the insular character of the Church in England would inevitably be re-developed by the very forces released in winning political nationalism? How far were they satisfied that the spiritual programme of Hildebrand was suitable to their Church? How far were they aware that the Church in England could or would not accept it? How far

would they, as contemporaries, have been ready to disagree with a learned modern who states that "in religion, the inadequacy of the Mediæval Church to English needs is apparent in a hundred ways. . . ?"[1] And what was the result of their reflections that the humble peasant had commonsense enough to compare roughly economic values, to compare the monastery or the magnificent House of God with his own rude wattle hut? Were they satisfied that the claims of the Pope were not arrogant and were not overrated as instruments of Church authority in the life and order of England?

So the interrogatory could continue: but sufficient has been said to outline this fascinating avenue of historical thought.

That England ever voluntarily submitted to the temporal overlordship of the Pope can be denied with certainty. That the Church in England was an integral part of the Roman Church during the mediæval period cannot without much difficulty be refuted. Overt organisation is, however, the least important part of a Church. Was the Church in England an integral part of the *spiritual* Communion of the Roman Church? This is the query full of promise for the student who is zealous for truth.[2]

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

Belloc, H.: *History of England* (especially Vol. II). (Methuen.)
The Cambridge Medieval History, Vol. V, Chapter 21. (C.U.P.)
Capes, The Rev. W. W.: *The English Church in the 14th and 15th Centuries.* (Macmillan.)
Gasquet, Cardinal F. A.: *The Eve of the Reformation.* (Bell.)
Jessopp, Cardinal F. A.: *Before the Great Pillage.* (Fisher Unwin.)
Moberley, The Rev. G. H.: *Life of Bishop William of Wykeham.* (Warren.)
Poole, R. L.: *Illustrations of the History of Mediæval Thought and Learning* (Chapters 8, 9, 10). (S.P.C.K.)
Poole, R. L.: *Wycliffe and Early Movements for Reform.* (Longmans.)
Trevelyan, G. M.: *England in the Age of Wycliffe.* (Longmans.)

[1] Trevelyan: *ibid.*, p. 332.

[2] Cf. Belloc, H., *A History of England*, especially Vol. II, and Prof. Hazelcine's judicious summary in *Camb. Med. Hist.*, Vol. V, Ch. 21.

ESSAY XIII

ENGLAND'S ATTEMPT TO CONQUER FRANCE

Although the struggle between England and France lasted for more than one hundred years, it must not be regarded as an intensive struggle carried on without intermission by both parties. In effect the Hundred Years' War was made up of raids and counter-raids, often conducted unofficially by some adventurous captain who had taken upon himself the cause of either England or France. Organised campaigns were few ; and when undertaken they seldom lasted for more than three or four months, except the campaign of Henry V in Normandy in 1417–1419. Moreover, the fighting was broken by peace treaties and truces, during which the two nations were officially at amity. But the signing of a truce did not deter the band of adventurers, fighting for either side, from carrying on the war on their own account. Men like Hugh Calverley and John Hawkswood, loyal supporters as they were of the English cause, were professional freebooters ; war to them was a profitable occupation, and they frequently provoked war in order to satisfy their lust.

These men made war hideously brutal. Chivalrous in their dealings with equals, they were cruel and rapacious where the defenceless poor were concerned. They looted lands and burnt stately minsters as they fought their way through the heart of France in the name of "St. George and Merrie England." Contemporaries and apologists might seek to present the Black Prince as "a verray parfit gentil knight," but his treatment of the inhabitants of Limoges shows that even he had a cruel side to his nature. Not that the French armies were more honourable. They lived "on the country," and that meant wholesale confiscations and robbery. The intensity of feeling against the French aristocracy expressed itself in the Jacquerie of Etienne Marcel. Perhaps of all the captains who took part in that struggle Henry V alone realised the futility of behaving

bestially : it is to his honour that he attempted to put down the evil practice of looting.

In England the war, from the outset, was regarded as a "national" war. The king, Edward III, was an impetuous young man, full of martial pride and no lover of peace. The nobles knew France as a rich country, and that a campaign would result in the enrichment of themselves. The clergy were angered at the attempt of the French kings to make the Papacy the catspaw of France.[1] The merchants were intent upon punishing the pirates who preyed upon their commerce in the Channel. And the poor people, blind hero-worshippers of a popular king, acquiesced in the undertaking, perhaps because they desired to bring low their neighbours in France, but probably because they were denied the right of offering any resistance to the will of their sovereign.

Many causes contributed to the outbreak of the war. First, Edward III, a vassal of the King of France, viewed with concern the encroachments of his overlord in Guienne. The marriage of Henry II and Eleanor of Aquitaine had made the King of England lord of more than one-half of France, and it became a question of policy with French kings to free themselves from the invidious position of "*primus inter pares*." By 1204 Philip Augustus had driven the unfortunate John from province to province, and eventually wrested from him the duchy of Normandy. Fifty years later Henry III, by the Treaty of Paris (1258), agreed to do homage for the duchy of Guienne, England's last continental possession. The French made the most of this treaty ; by asserting their rights as feudal overlords and by an understanding with French feudal lawyers, the French kings gradually "squeezed" the duke of Guienne so that his duchy had shrunk into an inconsiderable region, bounded on the north by the Charente, on the south by the Adour, and extending inland for a distance of twenty to thirty miles. Shortly after his accession to the throne Edward III did homage for Guienne at Amiens, but he pleaded certain reservations. In 1330 the King of France summoned his vassal to Paris to renew his homage without reservations of any kind.

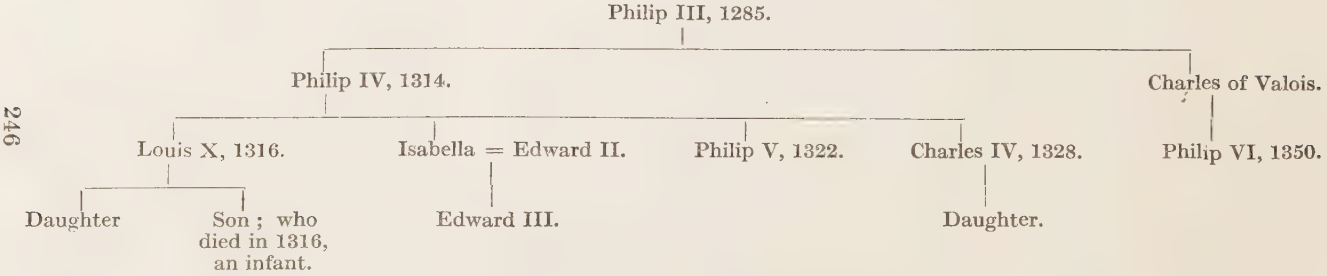
[1] The French kings had compelled the Pope to take up his residence at Avignon in 1305. This "Babylonish Captivity" lasted until 1377, and throughout that period the policy of the Papacy was the policy of France.

To this summons Edward replied that he had already done homage at Amiens, and that by doing so he had implied his renunciation of any claim he entertained with regard to the French throne.

Herein lies the second cause—and it was one upon which Edward III himself laid great stress. In 1314 Philip IV of France died, leaving three sons and a daughter. His eldest son, Louis X, died in 1316, leaving a daughter, but her claim was set aside in favour of her uncle, Philip V. That king died in 1322, and again the claims of the daughters were ignored, and the crown passed to the late king's brother, Charles IV. In 1328 Charles IV died, leaving a daughter. Precedent had already determined that the claim of the lady must be set aside in favour of the male heir, but the question was, who was the nearest male heir? (see p. 246). The two claimants were Philip of Valois, son of Philip IV's brother Charles of Valois, and Edward III of England, the son of Isabella, the only daughter of Philip IV. Although the claims of the female members of the house of Capet had been ignored, it was generally recognised in feudal law that a female could transmit her claim to a male. In these circumstances the claim of Edward III was better than that of Philip of Valois. Nevertheless, the feudal lawyers laid it down that Isabella could not transmit her claim to Edward III, and the French nation elected Philip of Valois king. It was a verdict of expediency. Edward III was a foreigner, and France preferred a king who was first and foremost a Frenchman.

The claim to the French throne was a powerful weapon in Edward III's hands, and it must be admitted that he used it with considerable moderation. He had already done homage to Philip VI at Amiens, and later he had written to say that he recognised him as his feudal superior, and, as pointed out above, he withdrew his claim to the French throne. It was the action of the French king that compelled him to re-open the question of his claim to the French throne. Strangely enough, it was not until 1340 that Edward III actually declared his intention of becoming King of France; the matter had been mentioned, and he had undertaken a campaign against his overlord, but he forebore to style himself "King of France." On February 21st, 1340, however, he gave orders for a new seal, embodying

THE FRENCH SUCCESSION IN THE FOURTEENTH CENTURY



The date of death is given in each case.

his new title. The die had been cast; and it is interesting to notice that it was cast in Brabant, where a throng of Flemish burghers were gathered to win his support against their count.

Flanders was at that time a fief of France, and the ruling count was Louis de Nevers, a satellite of the King of France. A nationalist party, made up of the richer burghers of Ypres, Ghent, and Bruges, resented the Francophile sympathies of their count, who was wont to dissipate in Paris the heavy dues that they paid him. They quickly perceived that an alliance with France would *ipso facto* involve them in disputes with England, and with true commercial foresight they were determined not to endanger the export trade in wool upon which their looms depended. Consequently they defied their count. Matters came to a head in 1328; Louis de Nevers, with the aid of his suzerain Philip VI, invaded Flanders and crushed the national party at Cassel. For nine years the opposition had to lie low, and the Francophile policy against which they had striven triumphed. In 1337, taking advantage of the quarrel between England and France, the nationalists, under the leadership of a rich burgher named Jacques van Arteveld, sought to avenge Cassel. Count Louis de Nevers was expelled, and an agreement was concluded between the burghers and Edward III. If Edward III, however, would declare himself King of France, the action of Jacques van Arteveld and his followers was laudable and their rebellion against the count was justified in the eyes of mediæval morality. There is no doubt that they urged Edward III to take this step in order to safeguard themselves. And since it was to the rich burghers that Edward III had to go for money in order to carry on the struggle, he was compelled to do everything in his power to appease them.

Commercial interests in the Middle Ages were much stronger than are generally supposed. It has been seen how the capitalists of Flanders made use of the struggle in order to further their own ends. In the same way the English merchants wanted to free the English Channel from the pirates who preyed upon their vessels. It is not an easy matter to decide which nation was most to blame for these maritime depredations. The pirates from Calais and the Norman and Breton ports were active throughout the period, and undoubtedly they caused the English merchants grave losses; but there is

considerable evidence to show that the Englishmen from the ports of the South coast were not slow to emulate their example. The difference is that the English carrying trade was more extensive than the French, and it therefore offered a greater chance for those engaged in piracy. A typical example of a French raid occurred in 1337, when a fleet of Norman pirates ravaged the Channel Islands and the ports of Hampshire and Sussex. This was a challenge to the proud English boast, "wee be masteres of the Narrowe Seas," and when national pride is hurt kings and peoples do not stop to count the cost of punishing the affront.

French interference in Scottish affairs is another example of the pride of England being wounded. In his efforts to bring Scotland under English rule Edward III had found himself hampered by the actions of Philip VI. In 1333 the French king had received David II of Scotland and had declared himself "Protector of the Scots." Edward III naturally felt aggrieved at the action of his neighbour; it was no concern of Philip VI if he purposed to annex the Scottish kingdom.

Nevertheless, while condemning Philip VI for his action in sheltering David II, Edward III himself was giving asylum to a renegade French nobleman, Robert of Artois. Robert had claimed the county of Artois, but the French king had given his decision in favour of Mahaut, Robert's aunt. The sudden death of the countess and her daughter under questionable circumstances naturally aroused suspicions. Poison was mentioned, and Philip VI invaded Artois in order to bring Robert to justice. He promptly fled to the court of England and sought the protection of Edward III. A contemporary poem—*The Vows of the Heron*—tells us how Robert of Artois persuaded Edward III and his nobles to avenge his wrongs; and although the poem certainly exaggerates the influence of Robert in precipitating the struggle, there is no doubt that he never threw his weight on the side of peace. The success of Edward III meant the restoration of the Artois estates.

1. The Character of the English and French Forces

Before reviewing the main stages of the war, it will be well to examine the character of the opposing forces. France, a highly feudalised state, still trusted in the ponderous charge

of her heavy cavalry. Her army was weakened by the heterogeneous units of which it was composed; they were bound by no common tie save that of fealty to their overlord—and in France that meant very little. Their service was determined by feudal custom, and after serving forty days in the field, they were legally free to go home. Indeed, many a noble, angered at the treatment that had been meted out to him, did betake himself homeward at a critical moment. Pride of place in the battle often gave rise to bickerings among commanders, and there was no means of enforcing discipline on the offenders. The French had, it is true, introduced a number of professional soldiers into their armies, but the Genoese bowmen were a poor match for the English archers, and the knights whose charge they were supposed to cover often rode them down.

The English force, on the other hand, was composed of men of a very different calibre. The old feudal methods of fighting had given way to more up-to-date tactics, learned by English kings in their wars against the Welsh and the Scots. The feudal cavalry of England played a small part in the French wars; the few knights there were in the English army fought on foot. The main strength of the army was the large body of archers, without which no English fighting force was complete. Added to these were a number of light-armed infantry, armed with spear and knife, and ready to fall upon the French knights once they had been unhorsed. In the earlier periods the archers and knifemen were raised by means of Commissions of Array sent to the sheriffs of every shire; before the war had been concluded the voluntary principle was adopted; the king contracted with a local captain to supply a troop to serve under him at a given price.[1] England had adopted the wise plan of raising a professional army recruited on the voluntary system.

The English armies were to demonstrate to the world the value of the longbow as a weapon of attack and defence. The longbow, hereafter regarded as the national weapon of an Englishman, first makes its appearance in the Assize of Arms of 1254, and until the reign of Henry VIII it was carefully guarded by a series of Statutes, all Englishmen being urged to make themselves proficient in its use. Froissart tells us that

[1] The White Company of Sir John Hawkswood was raised by this method.

in 1337 "it was advised and decreed that, throughout the realm of England, no man shall use any play or pastime save only the long bow and arrow on pain of death; and that every bowyer and fletcher should be made free of his debts."

The longbowmen of the early Edwardian armies had been drawn from the south-eastern Marches of Wales, and those who have read the *Itinerary through Wales* of Giraldus Cambrensis will remember his stories of the archers of Abergavenny.[1] The Archdeacon of Brecon had a mania for impossible stories, but on this occasion it is probable that Giraldus was speaking the truth. The longbow was an effective weapon, and at a hundred paces it was capable of inflicting severe wounds in the bodies of an attacking force. Moreover, the English archers could shoot with fine accuracy. In the French wars, however, they adopted the wise plan of shooting at the horses, as yet unprotected by armour, and were content to leave the actual killing to the wild knifemen of Ireland and Wales.

The English tactics were the natural outcome of the experience gained in the Welsh and Scottish wars. In 1284 the value of the longbow had been demonstrated at Orewyn Bridge; two years later at Falkirk; and in 1332 at Dupplin Moor, where a handful of Scottish knights, aided by a troop of archers,

[1] The following extract is from Chapter IV of the *Itinerary*:—

"It seems worthy of remark, that the people of what is called Venta are more accustomed to war, more famous for valour, and more expert in archery, than those of any other part of Wales. The following examples prove the truth of this assertion. In the last capture of the aforesaid castle (Abergavenny), which happened in our days, two soldiers passing over a bridge to take refuge in a tower built on a mound of earth, the Welsh, taking them in the rear, penetrated with their arrows the oaken portal of the tower, which was four fingers thick; in memory of which circumstance, the arrows were preserved in the gate. William de Braose also testifies that one of his soldiers, in a conflict with the Welsh, was wounded by an arrow, which passed through his thigh and the armour with which it was cased on both sides, and, through that part of the saddle which is called the *alva*, merely wounding the horse. Another soldier had his hip, equally sheathed in armour, penetrated by an arrow quite to the saddle, and on turning his horse round, received a similar wound on the other hip, which fixed him on both sides of his seat. What more could be expected from a ballista? Yet the bows used by this people are not made of horn, ivory, or yew, but of wild elm; unpolished, rude, and uncouth, but stout; not calculated to shoot an arrow to a great distance, but to inflict very severe wounds in close fight." Giraldus Cambrensis passed through Gwent (Monmouthshire) with the Archbishop Baldwin of Canterbury in the latter part of the twelfth century.

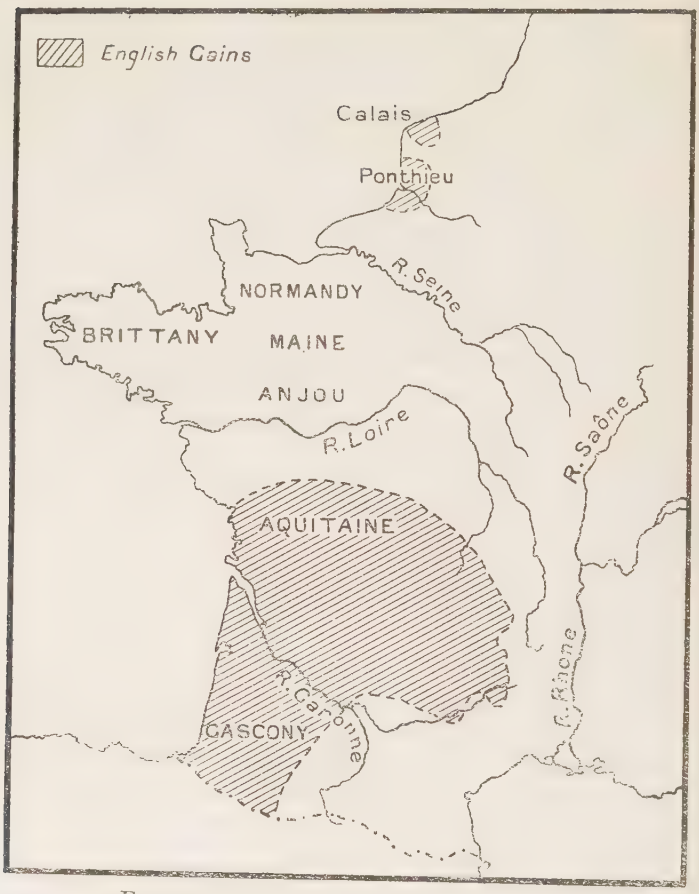
put to flight the Regent Mar and the entire Scottish army. The fight at Dupplin Moor is important, for the tactics adopted by the " Disinherited " were the tactics employed by Edward III and his son in France. At Creçy and Agincourt the knights dismounted and fought on foot in three battles, each of which was defended by a screen of archers, thrown forward and to a flank. In this way effective enfilade fire could be brought to bear on the advancing columns, and what few survived that fire were quickly overcome by the dismounted knights.

2. The Course of the War

The war may be divided into four main stages. Stage I will take us from the naval encounter at Sluys (1340) to the Treaty of Brétigny (1360); Stage II from the renewal of hostilities in 1369 to the conclusion of the marriage alliance between Richard II and Isabella of France (1396); Stage III from the landing at Harfleur (1415) to the appearance of Jeanne d'Arc (1428); and Stage IV from the relief of Orleans (1429) to the battle of Formigny (1450).

Stage I (1340–1360).—The outstanding events are the victories of Edward III and his son at Sluys, Creçy (1346) and Poitiers (1356). The French feudal tactics were tried and found wanting when used against the English archers, but it must be remembered that these victories were largely due to the inefficient generalship of the French leaders. Instead of playing a waiting game and harassing the enemy, they made the fundamental mistake of fighting a force that had carefully chosen its position. This is illustrated by the Battle of Poitiers. If King John of France had refused battle at Poitiers and instead had quietly blockaded the English force, he would have ultimately compelled the Black Prince to surrender. A French chronicler declared that Prince Edward, perceiving the danger of a blockade, actually agreed to surrender Guisnes if the French king would grant a safe conduct to his force; and this view is confirmed by Froissart. But King John, following the dictates of mediæval chivalry, staked the future of his realm on a pitched battle, only to be routed completely by the English archers. A detailed study of the other campaigns will reveal similar instances of the hopeless inefficiency of the French

generals. Chance after chance was thrown away, and it is n exaggeration to say that the French themselves were largel responsible for the crushing terms that Edward III dictated a Brétigny. By this treaty England renounced her claim to th



France after the Treaty of Brétigny

country north of the Loire in return for the continental possessions of Henry II, together with Calais and Guisnes in full sovereignty; and the French offered to pay 3,000,000 golden crowns as the ransom of King John, who had been taken prisoner at Poitiers.

Stage II (1369–1396).—The weakness of the Brétigny settlement (if indeed it can be called a settlement) was that it ignored the claims of a nascent nationality. The English king was sovereign of a considerable tract of French territory and the men to whom was entrusted the work of administration were not likely to recognise the claims of Frenchmen. The strength of Edward III after Brétigny is more apparent than real. At best the peace was nothing more or less than a breathing space; the French would never agree to its crushing terms. In 1369 the blow fell. The Black Prince, in spite of the advice of his trusty servant Chandos to pursue a policy of conciliation, had levied a *focagium* (hearth tax) on his Aquitanian subjects in order to pay for his wars in Spain. The people of Aquitaine resented this imposition, and not without reason. Charles V, perceiving that a domestic quarrel of this character might be used to further his own cause, secretly allied himself with the discontented nobles and persuaded them to bring specific charges against their duke before his feudal courts in Paris. This they did, and in consequence Charles V summoned the duke of Aquitaine to answer their charges in the feudal courts of Paris. The result of such a summons was self-evident, and Edward had no alternative but to refuse to answer the summons sent out by Charles V. War was, therefore, unavoidable. Unfortunately, England in 1369 had lost her continental allies, and her armies were weakened owing to lack of money. In each of the English provinces there was a strong party in favour of France, and once this party perceived that England could not hold her own against the French armies it declared itself openly against the English. Moreover, in the person of Bertrand du Guesclin, a captain of the Breton company, the French had a man who knew the strength of the English tactics, and he consequently avoided attacking the English armies. Instead, he played a game of masterly inactivity. Whenever occasion arose, he hung upon the English rear, and harassed those companies which had strayed from the main body of the army. The success of this policy is illustrated by the raid of John of Gaunt through the heart of France; it achieved nothing, for the simple reason that the French would not come out into the open and fight. The tactics of Du Guesclin were more effective than a pitched battle. The force that followed

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John of Gaunt into Bordeaux was a disheartened mob, disease-ridden, and well-nigh starving. When the commander set sail for England all that remained in the hands of the English was Calais in the north, and Bordeaux and Bayonne in the south. Edward III had lived long enough to see his work undone: his successor, Richard II, was glad to sign a truce with the victorious French.

Stage III (1415–1428).—Henry IV, the founder of a new dynasty, had his hands too full to undertake the re-conquest of France. His son, Henry V, nurtured in the art of war, was not hindered by such considerations. He resolved to win back England's lost provinces. The time for attack was ripe. France was divided between the rival forces of Burgundy and Armagnac. Moreover, there was lurking in the background considerable unrest in England, and Henry V wisely attempted to divert his subjects' minds from treason by dangling before their eyes the prospect of a successful war. Sailing from Southampton in August, 1415, he speedily captured Harfleur; two months later he defeated decisively d'Albret, the Constable of France, and the flower of the French chivalry at Agincourt. Again France had trusted in the might of her feudal cavalry; again the English archers wrought terrible havoc in the ranks of the horsemen. Henry V was not slow in following up his success. In 1417 he invaded Normandy, where the English tradition was strongest, and within two years he had regained the duchy. In the following year he dictated the Treaty of Troyes, by which he won the throne of France and the hand of the French king's daughter.

The sudden death of Henry in 1422 cut short his work of reorganising his newly-acquired state, which passed to his infant son, Henry VI. In France, John, Duke of Bedford, a wise and capable ruler, ruled in his nephew's name, and it is a striking tribute to the genius of Bedford that he followed the policy of Henry V and made an honest attempt to conciliate Frenchmen by ruling as a Frenchman. Nevertheless the task was too great for him. His marriage with Anne, the sister of the Duke of Burgundy, had secured the alliance of the Burgundian faction, but in 1423 that was nearly wrecked by the impetuous Duke of Gloucester, who ran away with Jacqueline of Hainault and married her without the consent of her feudal

superior, the Duke of Burgundy. Gloucester was Bedford's brother, and it was mainly due to the kindly offices of the duchess Anne that Burgundy remained true to the English cause. Moreover, Bedford was constantly hampered by the petty quarrels of the rival parties in England, of which Gloucester and Beaufort were the leaders. On more than one occasion he had to leave France in order to pacify the rivals; and on each occasion the French made the most of his absence to foment strife against the occupying army.

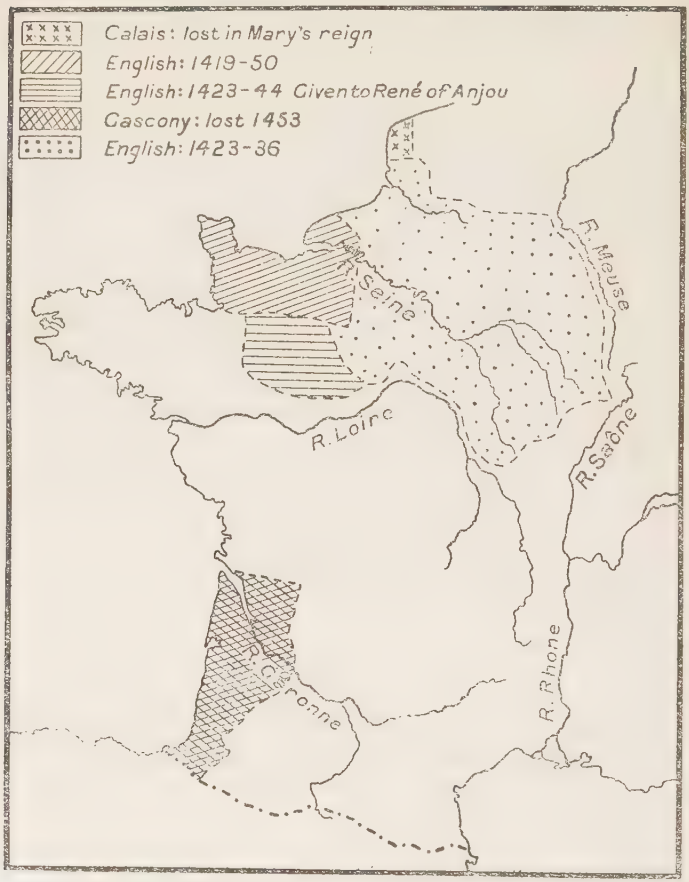
Stage IV (1429–1450).—The turn of the tide in favour of France came with the relief of Orleans by Jeanne d'Arc in 1429. A great deal has been written about the dramatic appearance of the Maid at the head of the armies of France, and many have extolled her virtues as a leader of men. Yet it was the moral effect of her appearance that aided France. The English soldiery were terrified of "the ffalse witche"; whenever she appeared at the head of her men they turned and ran; not because they were afraid of Frenchmen, but because they did not relish fighting against one whom they imagined was the daughter of the Devil. Her fellow-countrymen regarded her as sent from Heaven, and at her command they hurled themselves against the English with the frenzy of Mahometans fighting a holy war. The greatest mistake Bedford made was to bestow upon Jeanne a martyr's crown; she certainly was a great force when living, but she became a greater power when dead.

Even before Jeanne's martyrdom Bedford made a bold attempt to "stop the rot" by hurrying across France the youthful Henry VI to be crowned King of France in the cathedral of Notre Dame. In 1432 his good wife died, and the bond connecting him with the Burgundian faction grew weaker. In 1435 it was severed by the withdrawal of the Duke of Burgundy, "the capteine of cowardise," from the English side. England was now fighting a united France, and in the hour of her greatest need her most stalwart captain, Bedford, died.

His successor, Richard Duke of York, made a brave attempt to hold the French in check, but nothing that he could do would roll back the surging tide of French nationality. The expulsion of the English now became the end at which the Frenchmen

aimed, and little by little the English forces were forced to retire. Paris fell in 1436.

There was an attempt to bring about a settlement in 1439, but it came to nothing. Envoys from both sides met to arrange



The Re-Conquest of France

peace. France demanded that the English should give up all claim to the French throne. England, however, would only agree to this provided that she received as compensation the cessions made by France at Brétigny. Even to this preposterous demand the French were willing to consent, provided

hat the English king agreed to do homage for the lands ceded t Brétigny. To this reasonable demand the English envoys efused to listen.

The marriage of Margaret of Anjou to Henry VI was another ttempt to put an end to the war by means of diplomacy. René, Duke of Lorraine, the lady's father, was a power at the French court. The most that the embassy could arrange was truce for two years so that a definite marriage settlement ight be drawn up. In 1444 the Duke of Suffolk again visited France to arrange this settlement, and it was this man who acrificed Maine to the French so that " the evil genius of the House of Lancaster " might marry Henry VI. Of Queen Margaret appreciation will be made in the chapter devoted to the " Roses Vendetta." Nominally England and France were at peace until 1449, though here again the " free companies " still maintained a state of war. But in 1449 England recommenced fighting. In the following year the Battle of Formigny gave France control of Normandy, and save for Calais had the effect of ridding northern France of her enemies. In the south a period of desultory fighting was maintained until 1453, in which year the English were finally expelled from Guienne. The Hundred Years' War was ended.

3. The Causes of England's Failure

The causes of England's failure to hold France are many. It has been seen that in the first and third stages of the struggle she was successful because the French adopted antiquated methods of deploying troops in battle. Bertrand du Guesclin had shown his fellow-countrymen the inherent weaknesses of feudal tactics, and during the second stage, when his policy was adopted, France was victorious. At Agincourt the old order prevailed, and France was defeated; but after the Treaty of Troyes a new race of military captains appeared. Men like Dunois, the Bastard of Orleans, La Hire and Pothon de Xanthrailles continued the work of du Guesclin. Ill-disciplined feudal levies gave place to paid troops; the wild charge of cavalry to harassing tactics. The introduction of the *taille* in 1437 enabled the French Government to hire the services of professional soldiers and artillery. It was the " gonnes " at

Harfleur that gave Henry V the victory: it was the superic
" gonnes " of the French captains that drove York and Somerse
from their fortresses.

Secondly, it must be constantly borne in mind that Henry
conquered a faction-ridden country. The unhappy quarrels c
Burgundy and Armagnac divided France into two arme
camps, and invited any adventurer to attack her. Englis
envoys waited upon representatives of either party, and it i
perhaps to the credit of the Armagnac faction that it made n
treasonable alliance with the enemies of France. Too muc
stress must not be laid upon Armagnac " patriotism," for th
party would have taken advantage of English help against thei
rivals if it could have been gained on favourable terms. Th
marriage alliance of Bedford and Anne, the sister of the Duk
of Burgundy, gave England a marked advantage in attackin
her neighbour, and it was only when the Duchess of Bedfor
died that the English cause lost the help of Burgundy. Th
Duke no longer was united to the English, and within thre
years he had declared himself for France.

Thirdly, the English position in France, after the Treaty c
Troyes, was a difficult one to defend. The security of Guienn
depended upon the command of the sea, and there was no mean
by which an English force operating in that region could secur
a land communication with the English north of the Loir
The command of the sea was problematic, and England foun
that her supremacy was more than once successfully challenge
by the French. Nor was the country north of the Loire an
easier to defend. In shape, the English possessions wer
triangular. Paris was the apex, the base rested on a line stretc
ing from Calais to Brittany, and the southern flank was expose
to the attack of the Dauphin's party. As long as the Burgun
dian alliance lasted the eastern flank was secure, but after 14
that, too, was menaced, with the result that two years lat
Paris fell. The people of Paris never took kindly to Englis
rule, and it is perhaps an accident of Chance that the Englis
did not have to face a rising of the Parisian mob.

Lastly there was that mysterious force called " nationality
before which the entire mediæval system was soon to fall. Th
idea of a " nation state " had found expression in England
the latter part of the thirteenth century: it was delayed

France until the nation had passed through the agonies of a defensive war. Since the days of Philip Augustus, French kings had attempted to evolve a united France, but without success, owing to the strong position of the English king in France. The expulsion of the English greatly strengthened the French monarchy. The " internationality " of the feudal system gave rise to a strong feeling of " nationality," though care must be taken not to lay too great emphasis on this fact. The " nation state " in France was not realised until the reign of Louis XIV. The appearance of Jeanne d'Arc stimulated this idea of nationality not a little ; she was the guardian of the French soldiery, and it was her femininity that aroused the manhood of France to go forth conqueror and to conquer.

4. The Results of the War

This is not the place to enumerate the results of the Hundred Years' War. The " Vendetta " of the Roses will be dealt with in another place, and the baneful influence of the French wars will be made manifest. It is sufficient to say that it was in the bickerings of the " peace " and " war " parties of Henry VI's reign that the germs of the civil strife were cultured ; each party fought for the control of the war, and as neither could settle its differences an appeal was made to the sword.

Nevertheless, England did gain a great advantage from the French campaigns. England began to realise that expansion eastward was impossible, and when once the chance of expanding westward presented itself it was seized with rapidity. The result has been the intense " nationalism " of Englishmen, and perhaps their profound contempt for foreigners. But the Hundred Years' War is important for another reason. The men who fought in France were recruited from the agricultural districts and not from the baronage. They returned to their own land enriched by the spoils of French manor-houses and churches, and with the money they had gained they were able to purchase their economic freedom from the manorial lords. This rise of a yeoman class is dealt with more fully in the Essay devoted to the Manorial System, but here it should be noted that the idea of " the yeomen of England " originated in the French wars. The popularity of that idea was far-reaching :

Shakespeare's *King Henry V* is a eulogy of the yeomen archers who made the victories of Harfleur and Agincourt possible as well as the glorification of a mighty warrior-king.

J. D. G. D.

SUGGESTIONS FOR FURTHER STUDY

Mowat, R. B. : *Henry V.* (Constable.)
Oman, Sir C. W. C. : *History of the Art of War in the Middle Ages.* (Methuen.)
Vickers, K. H. : *England in the Later Middle Ages.* (Methuen.)

ESSAY XIV

THE ROSES VENDETTA

1. The Political Struggle: Margaret of Anjou *v.* Richard of York

The early death of Henry V was a disaster of the first magnitude to English interests. The long Regency of Henry VI saw the war with France continued and the amazing exploits of Jeanne d'Arc. Even before the death of John, Duke of Bedford, the elder of the king's uncles, in 1435, the English cause in France was waning: and long before the death of his brother, Humphrey, Duke of Gloucester, the cultured evil genius of England during this period, in 1447, the war was lost. The rupture of England's alliance with Burgundy was irremediable. The French had recaptured Paris and pushed back the English forces into weak defensive positions. The efforts of Beaufort, Bishop of Winchester, and of William de la Pole, Earl of Suffolk, to bring hostilities to an end were fruitful in the truce of 1444 and the marriage negotiations which in 1445 made Henry VI and Margaret of Anjou, cousin of the French king, man and wife. The flagrant breaking of this truce by the English in 1449 led to violent re-opening of warfare. In 1450 Normandy was lost. In the following year Guienne and Gascony fell into the enemy's hands, and, after the Battle of Chatillon in 1453, Calais alone remained as an English possession in France. The empire of Henry V had collapsed. The Hundred Years' War was ended.

England's failure in this long war was, however, only part of the disaster resulting from Henry V's death—no matter how much the loss of France was in itself a future benefit to English policy. The protracted campaigns had brought intolerable suffering upon England: both the noble and the ignoble classes were distressed, discontented, miserable in their poverty and losses, and ripe for rebellion against a government visibly corrupt and powerless except to tax and harry its people. The

peasants revolted: the terror of their success under Cade and the greater terror of their suppression effectually quelled this attack on the government. But the nobility of the realm, quick to aid in killing rebellious peasants, were themselves stirring rebelliously amid the ashes of their lost prestige. The French princess, as an English queen, was not popular, despite her beauty. The quarrels within the Regency Council, and later in the king's Councils, had long since generated feuds, which, noised abroad, quickened the treasonous promptings of the discredited baronage. Partyism began to prick its long ears: and rumour was inflammatory. Henry VI, weak physically and mentally, of gentle manners and pious heart, was not the man to control his Council, and was powerless to rally the loyalty of his nobles. His lack of kingly quality was responsible perhaps for his confiding wholly in his wife. She, tenacious of purpose and remarkable for her strength of character, became his chief counsellor. Her friends were promoted. Her "party," politically and militarily, was forming irresponsibly and spontaneously, so dominant was her personality. But, the nobility for the most part were suspicious of her, and were alienated from the king by his utter dependence upon her guidance. They sulked and brooded in their country strongholds. The constant survey of their languishing estates deepened their gloom. The memory of the past glories of their Order of Knighthood was a constant goad to action.

What action? They came in time to face the word *Rebellion* without fear or regret. Weak kings before had been made to bow to baronial menace or insurrections. Magna Carta was not forgotten: nor were the tragedies of Edward II and of Richard II.

If the barons looked from their immediate scenes of economic and political losses, and surveyed the state of the kingdom and its government, they were the more embittered. The war with France had been lost through mismanagement: its memories rankled deeply as a national humiliation. The industrial and economic strength of Edwardian England had been wasted almost to the edge of ruin for this cause—in vain. The government was bankrupt: it could not pay its vast war-debts and its small income was only sufficient for its domestic needs. The armies were unpaid and opportunities of loot and booty

had been few in the latter years. The king was a cipher: the queen ruled the land: the royal Councils were scenes of personal acrimony rather than of cool debate on policy. The towns and cities were suspicious, armed and fortified, guarding themselves with close vigilance, afraid of attack, and determined to live for themselves and allow their duties to the realm to go the way all such duties had gone of recent years! In their isolation and individual sense of discontent, the barons were innocuous: rallied, however, to the need of organising into a faction or a party, they quickly followed the way of their long-dead ancestors and marshalled themselves into a menacing movement.

The man responsible for organising this baronial discontent into subversive reaction was Richard, Duke of York, a second cousin of Henry VI. Returning from Ireland, where he had been the King's Lieutenant, he showed himself the only capable and strong man of affairs the nation possessed by (a) his heading the distressed nobility in their demand for governmental reforms, and by (b) demanding for himself a seat in the king's Council (1450). His claim was immeasurably strengthened by two facts: (i) Margaret, the queen, disliked him, finding in him an unflinching opponent: (ii) he was the heir to the throne, if no child was born to Henry and Margaret.

Richard's appearance and demands for office and reform were a challenge to Margaret and her Court Party—later to be known as the Red Rose Party (Lancastrians): but she was unperturbed and easily retained the king's confidence for herself and his favour for her friends. A grim struggle for political mastery followed. Suffolk, the king's chief counsellor, was impeached, banished and murdered (1450). The Yorkists did not profit by this "success," for Margaret found in Edmund Beaufort, Duke of Somerset, a more unscrupulous and perhaps an abler minister. Somerset, daring to make the most of his chances, increased his power considerably. At length, he and Richard of York, leaders of the Red and the White Rose Parties respectively, contended openly for the favour of the king and the supreme place in his Council. The crisis in this struggle for leadership and influence at Court seemed to come in 1452, when, checked in London, York, true to tradition, raised his baronial forces for militant action against the Lan-

castrian or Margaret faction. The king diverted this danger by promising to dismiss Somerset. York, apparently content, honourably disbanded his army. Somerset was not dismissed.

The contest was about to be joined in a more decisive fashion, when two events of the highest importance intervened: (i) the birth of Prince Edward: (ii) the insanity of the king (1453).

The Lords, assembled in Parliament, made Richard, Duke of York, Protector or Regent of the Realm during the illness of the king. So ended the first stage of this last and greatest of baronial wars in England. The Yorkists had won.

The eclipse of the Lancastrian Party, while placating the Yorkists—already the baronial factions were known by these generic titles—compelled the Lancastrians to examine their strength and position. During the year of Richard's peaceful and efficient Protectorship, therefore, the Lancastrian policy became more clearly defined and its cause secretly but sedulously exploited by the Queen and the Earl of Somerset. The birth of an heir to the throne increased Lancastrian influence, and compelled the followers of York to modify their dynastic ambitions. Whether York was strong enough in character and gifts to have prevented by compromise the civil war undoubtedly brewing cannot unfortunately be known. The recovery of the king, the renewed ascendancy of Margaret, the recall of Somerset as chief adviser to Henry VI, the dismissal of York, precipated the crisis.

York, a man of decision and action, seeing that compromise was impossible or undesired, again summoned his hosts: supported by their armed might he renewed his demand that Somerset should be dismissed. The king refused. York had then no alternative but to make his threats good. He advanced on London, declaring that if victory lay with him he would reform the government, appoint faithful ministers, review the legal system and put the national defences into better condition. He claimed to be the friend of the king, whom he would defend against the ministers, officials and "favourites" who were arrogating power to themselves at royal and State expense.

The Lancastrian barons, many of whom had been inclined to think and act with the Yorkists, were in this sudden appeal to arms driven back to their sense of personal and feudal loyalties: their pride in the historic Lancastrian achievements

since Bolingbroke seized the diadem and Henry V mastered France was stimulated into a lively enthusiasm : the traditions of their Party must not be lost without a struggle : they rallied, a numerous and finely accoutred host, to defend their king, their queen and the baby heir. Nor did they lack self-interest : the triumph of the Yorkists (the White Rose) would not be without disaster to them, supporters of the Red Rose of the House of Lancaster.

Thus civil war came to England. None knew or could then guess how long that national crime was to inflict its woes on the State : few knew and none could guess that they and their noble Houses would perish before the struggle was over.

2. The Causes of the Wars of the Roses

The causes of the Wars of the Roses have been generally indicated in the above section. If their more succinct definition be needed it might take the following form. Underlying the whole movement leading to civil hostilities were :

(*a*) The failure of the French War. The terrible influence of that failure is seen in the spirit of violence and ferocity which characterised its later stages. Massacre and plunder, accompanied with every vicious excess, were so common that men forgot the ordinary rules of self-restraint and became habituated to the licence of this ghastly mode of warfare. This lawless spirit was brought home to a broken England. To continue plundering in order to survive, and to seize power in order to justify the plundering, were policies easy to commend themselves to a debased and ruined baronage : and, if to them, how much more easy to the common soldier and mercenary, the oppressed peasant and the bankrupt burgher ! It was an age of rapacity —the logical termination of the bankrupt Middle Ages.

(*b*) The government was woefully weak. The laudable experiment of Constitutional Government made by the first Lancastrians had allowed Parliament, and especially the Commons, to play a prominent part in governing the land. The rise of the Commons to authority had always been a bane to the Feudal Lords. Throughout the long " Constitutional " drama of the Middle Ages the Feudality were divided in their attitude to the Commons : the one party believing that its

support of the King and his Commons in Parliament was a necessity of peaceful and progressive government: the other not believing in the need and begrudging its support. The attempts of John of Gaunt to undermine, if not to destroy Parliament, the tumultuous record of Richard II's government, were omens to the observant among the Commons: and the Lancastrian Experiment, when it came, did not live long enough to make the power of the Commons enduring. The death of Henry V saw this power wane: the "Experiment" began to fail, and soon it was the sport of the riotous politics of the Regency Council and the turbulent feudal reactions of this period. The baronage now seized their chance, so long withheld, to destroy or emasculate Parliament—their rival in power for the king's favour—the stumbling block to their wish of restoring the "good old days" of Feudalism.

(*c*) The loss of France was a bitter blow to English pride. The English sense of *nationalism* was sufficiently developed to feel the shame of this heavy defeat, but insufficiently developed to understand that a baronial civil war and the destruction of the government were *un-national* acts that could in no way remedy the defeat. The Lancastrian Ministers, Beaufort, Suffolk, Somerset, were naturally regarded as incapable. Such incapacity was treasonable and ought to be punished. England could only be saved by abler Ministers—presumably Yorkist Ministers!

(*d*) This indictment of the government developed a bitter *partyism within the baronage:* the old feuds between the two dominant Houses of York and Lancaster were violently reopened and the whole nobility separated on the question, as indeed did many of the greater churchmen.

(*e*) The *pathetic inability of the King himself* was also of incalculable influence in generating the crisis. England wanted a wise and a masterful king: Fate gave her in the extremity of her need a gentle and kindly weakling. Fate went further and united this man to a woman of imperious character, who, quick to understand the political situation, fought for her rights and those of her son as few women in history could have done even if they had been faced with the cruel need.

(*f*) Above or beneath all, it depends on the way the question is put, there was the horrible truth that *England was ruined* and

that all could not survive in the same degree of prosperity as before. This economic truth was not consciously apprehended, except, perhaps, by those who wished at this time to despoil the Church or by burghers who organised the defences of their towns: generally, it was an instinctive fear emerging into resolution of a dangerously anti-social type of suggestion and later predatory action. Allied to this fact of "the nakedness of the land" was the equally obvious fact of the "poverty of spirit." This has been indicated already. Here it is necessary to add that the Church, the great institution in the Middle Ages, built and manned to regenerate the Spirit of Man, was now in a state of decay, threatening to collapse in the general ruin of the times, impotent to plead, to pray, to bless or to curse effectively —all its remaining strength being used in a last desperate effort to prevent the ungodly spoliating the "possessions of God," and to exact so far as was possible the customary tribute from those who remained faithful to its Communion. *The failure of the Church* must undoubtedly be assessed high in the causes of this vast calamity of the Wars of the Roses.

All these violently charged *basic causes* worked together to produce an uncontrollable dynamic of mutual hatred between the two great baronial parties. The so-called *immediate causes* were obviously the birth of the Prince,[1] the subsequent demand of the Duke of York to be chief adviser to the King, Margaret's baleful influence, and Henry's refusal of York's demand. Possibly, also, the final overthrow of the English in France at Chatillon had some influence, in that it completed the discredit of the Lancastrian government.

3. The Military Struggle

To narrate the record of these conflicts would be tedious unless it were embellished with many a vivid and romantic

[1] Was Prince Edward, son of Henry VI and Margaret, an illegitimate or supposititious child? There is a strong historical tradition in favour of such a view: but there appears to be no authentic evidence to prove or to disprove it. Some historians think that the birth of the "unexpected" and "unwanted" prince was a "main cause" of the Civil Wars. If it were known at the time that he was illegitimate, then York's action can be easily accounted for, and the event might well have been a "main cause" of *dynastic* hostilities. Quite apart from such an unsavoury and doubtful matter, however, there are (as stated above) a number of "main causes" that can more logically account for the Wars of the Roses.

incident, the study of character and the discussion of military and political values. This being obviously impossible here, it is proposed to summarise briefly the sanguinary record, indicating only its chief political values, until Edward IV seizes control. He is great enough to merit attention for as long as possible : then the end can be swiftly reached and an attempt made to make the drama yield its historical lessons.

(*a*) 1455–1459. The first battle of *St. Albans* saw the Yorkists triumphant over the stronger Lancastrians. Somerset and many prominent Lancastrians were slain : the king was captured. York now made good his threats. Treating the king honourably, he himself again became Protector and filled the high offices of State with his friends. His chief allies were the two Nevilles, Earls of Salisbury and of Warwick, father and son respectively. Warwick, an overpowering personality, was given the most important of appointments, the Captaincy of Calais, where his undoubted military gifts could find full scope.

The next four years are full of court intrigue, the Yorkists trying to consolidate their position, the Lancastrians, led by Margaret, trying to regain their lost influence. Margaret's skill and pertinacity merit admiration. Gradually the Yorkists are dismissed from office : York and Salisbury, alive to their danger, at length retire to their strongholds at Wignore and Middleham. In 1459 Margaret precipitates a new crisis by calling out the feudal array and summoning Salisbury to attend. The Earl, rightly judging that this means execution, refuses, and the war re-opens. *Bloreheath* and the *Rout of Ludlow* follow : both York and Salisbury escape, the one to Ireland, the other to Calais. Warwick, who had come from Calais, endures a perilous time and eventually also escapes to Calais, taking with him York's eldest son, Edward of March, then eighteen years old, afterwards known as Edward IV. The packed Parliament of Coventry, summoned by Margaret, passes Bills of Attainder against these Yorkist leaders. This period closes with the Lancastrian cause victorious, Henry's kingship saved, and Margaret in full power, a formidable protectress of her baby son's heirship.

(*b*) 1460–1461. The struggle for the Crown now entered a decisive stage. The Yorkists planned invasion. In 1460, they

returned under the leadership of Warwick, and, advancing from Sandwich during the absence of the Queen in the North, they seized London. The battle of *Northampton* followed. The Yorkists won: Margaret fled to North Wales: Henry VI remained a captive. York now claimed the throne and proposed Henry VI's deposition. Warwick, however, insisted that Henry should remain king for life, York being recognised as his heir by Parliament. Margaret, resolute to maintain the legal heirship of her boy, sent a stirring call to all her northern supporters. A great host came to her aid; *Wakefield*, a terrible battle, followed. The Yorkists were destroyed; the blood feud was now seen in unashamed lust: York was killed; Salisbury was beheaded; York's younger son, Rutland, was caught and slain; a general massacre of the Yorkist wounded disgraced the field. Meanwhile Warwick was holding the south, and Edward, York's eldest son, the Marches. Warwick hastened north to intercept Margaret. She crushed him at the second battle of *St. Albans*, and ought certainly to have marched on London, which, though hostile to the Lancastrians, would have fallen. Such a move might have ended the struggle. The lack of discipline among her levies, and the protests of her king, whom her warlike prowess had recovered from captivity, constrained her to retreat northwards. This gave Edward, son of the dead York, his chance: following hard, he overtook and decisively defeated Margaret's army in the fierce battle of *Towton Moor*, causing the dispersion of his enemies and the flight of Margaret and Henry to Scotland. Before the battle he had claimed the throne as his father's heir, and had actually been crowned king as Edward IV. He was twenty years of age. But Warwick was his real strength. Already this remarkable man, Warwick, was earning for himself that title awarded to him by posterity—the *King Maker*.

(*c*) *The Rule of Edward IV*. This period falls into two rough divisions, (i) 1461–1471, during which the young king tries to free himself from Warwick's power, (ii) 1471–1483, his absolute kingship.

(i) Until 1464 Edward IV and Warwick were fully occupied with reducing England and suppressing Lancastrian strongholds. In the following year the poor fugitive king, Henry VI, was again captured in Lancashire and confined to the Tower of

London. Margaret with her son had escaped to France, and the triumph of the Yorkists seemed complete. Even before these last events, however, the breach between Edward IV and his mentor, Warwick, was observable. Edward IV, a man of decided views and character, yearned for independence, and intrigued to lessen Warwick's influence. His marriage with Elizabeth Woodville (1464), and the elevation of her family to power, were deliberate steps in a purposeful policy of creating a counterpoise to the Nevilles' influence. Again, Edward's alliance with Burgundy was in defiance of Warwick's advice, for Warwick wished to make peace with France in order that Margaret might not win French sympathy. Thus the breach between Edward IV and Warwick was developed into hostility, ending in 1470 with the flight of the Earl to France, where he made his peace with Margaret, whom he had so deeply wronged. At Angers, in July of the same year, a formal alliance between Louis XI of France, Queen Margaret and the Earl of Warwick was made. No time was wasted. With two such dominant personalities as Margaret and Warwick the Lancastrian cause could neither halt nor fail. As early as September the invasion of England was attempted, and complete success attended it. Edward IV fled to Burgundy : Henry VI was once more restored : Warwick was appointed Lieutenant of the Kingdom. Margaret and the Lancastrians were again triumphant.

The rapidity with which Fortune changes her favour is a marked characteristic of this tumultuous period. The new régime lasted just six months. Edward IV, energetically canvassing his prospects in Flanders, stimulated the enthusiasm of his brother-in-law, Charles the Bold, and awakened the cupidity of the Flemish merchants and the Hanseatic League. With Edward IV again king of England, the latter expected large commercial transactions to yield them profit. Moreover, the mercantile classes in London, Bristol and other ports were favourable to the exiled Yorkist. Hence, a large expedition was prepared. In March, 1471, Edward IV sailed from Flushing and landed at Ravenspur. Two battles were fought : *Barnet* and *Tewkesbury* : Warwick was defeated and slain at Barnet : at Tewkesbury the army of Margaret was overthrown, she herself captured, and her son caught and murdered. While Margaret was sent back to France, her unfortunate husband,

Henry VI, was murdered in the Tower. This sensational collapse of the Lancastrian power and the death of its leaders left the throne unopposed to Edward IV.

> " Once more we sit in England's royal throne,
> Re-purchas'd with the blood of enemies.
> What valiant foemen, like to autumn's corn,
> Have we mow'd down, in tops of all their pride ! " [1]

(ii) 1471–1483 sees the absolute rule of Edward IV. This monarch is generally considered as the " first of the Tudors." In his general policies he probably deserves this title.

Realising the strength of the feudal nobility to hedge his own regal power with restrictions, he began the policy of creating a new nobility dependent upon his grace for its official life. His attitude to Parliament was brusque : his use of it foreshadowed its virtual suppression in the later (Tudor) period. His methods of raising funds, and, in particular, his scheme of Benevolences, though illegal, were not forgotten by the Tudor or the Stuart kings. His business-like conduct of government, his probable institution of the " Star Chamber," his attempt to organise the " Civil Service " on efficient lines, his spy system, his care to cultivate the favour of the merchant class and of the boroughs—all these features are characteristic of Tudor rule. Ruthless, passionate, egoistic, ambitious, avaricious and dominant, he himself mirrors the outstanding traits of the Tudor character. Yet, against these considerations must be placed the important fact that the Yorkist did not—possibly because he could not—crush the baronage into obedience or extinction as did the Tudors. Had Edward pursued this line of action the horrors of the last phase of the Wars of the Roses would have been avoided. His foreign policy was sensible and successful. His promotion of trade with Flanders was a boon to himself and to both England and Flanders : his invasion of France was a bluff to secure a sound truce which could become a lasting peace ; and this was secured in the *Peace of Pecquigny* (1475), a truce of seven years distinctly advantageous to England quite apart from the handsome financial settlements promised Edward by France. His premature death in 1483 was a loss

[1] *King Henry VI*, Part III, Act V, Sc. vii.

England could hardly afford. With all his faults he had succeeded in giving the land what it so badly wanted—peace and order and an incentive to rise Phœnix-like from its ashes during his period of kingship.

(*d*) 1483–1485. *The Final Phase.* Regencies had always spelled evil for England. That of the Child King, Edward V, was no exception. It is a disgusting record of lust and crime. Richard "Crookback," the king's uncle, was a megalomaniac. The Crown was his fatal lure: murder and war were his means of gripping it. The sordid story is fortunately short. His alliance with the "Old Rampant Nobility" against the New Nobility and the Official Nobility led to the crushing of the Woodvilles and the paralysing of the Church and the government. His claim to the throne was quick and shameless, and the murder of the boy king and his brother removed legal difficulties. Unluckily for him, his policy of murder aroused regal ambition in Henry Tudor, Earl of Richmond, who now asserted that he was the heir. It also stirred Buckingham and Morton to play the traitor's part successfully. Their conspiracy of 1483 aimed at the marriage of Henry Tudor and Elizabeth of York—the uniting of the rival Red and White Roses—and Henry's usurpation of Crookback's crown. The battle of Bosworth Field resulted. It was the last of these dreadful slaughters. The blood lust was sated: the feud ended: the mediæval feudality of England had expiated their countless crimes against their motherland by their own extinction.

4. The Results: The Passing of Mediæval England

The Wars of the Roses will ever be memorable as a prolonged and violent purgation of English social and political life. The high pride of mediæval England was abased, and in the repentance of profound humiliation England gained a new spiritual and national strength under the grim Tudors. The systems of economic and political organisation, so fruitful and so full of promise during the zenith of the Middle Ages, were tested thoroughly by these Civil Wars and found to be radically defective in their later developments.

The *Manorial System* fell to pieces: as a sure base of economic life it was doomed. The *Church*, unable to withstand the

assaults from all sides, was constrained to make peace with the victor of the moment : it staggered on, but its load of shame and futility was too great, and despite the temporary and efficient support of Henry VII, it collapsed into revolution and disruption at the first threat of his masterful son. *Parliament*, the pride of English constitutional genius, was exposed as a premature experiment : its elective and representative principles were the scorn of the political necessities of this chaotic period : its claim to assist the king or the aristocracy to rule was assessed as unjust and impracticable : its dissolution and destruction would have been certain had not the Tudors been wise enough to see in it a convenient mask for their despotism, an institution useful to register as lawful their will, a body of " representatives " timorous in their ready obedience to their king. The felicities of the " Lancastrian Experiment " were forgotten in the rigours of serving the " constitutional " needs of a despotic line. The *Towns* and *Cities* were purged of their selfishness : no longer isolated, they tended more and more to become constituent parts of the unit of a national kingdom. Their *methods of commerce* had necessarily to be largely modified to meet the changing circumstances of an ordered and a peaceful kingdom (Tudor England) engaging on an expanding trade with Europe and the Near East. Their close organisations and institutions, such as the *Gilds* and *Family Governments*, were tested and found wanting : doomed to pass, they made way for healthier civic life and progress. The *Peasantry* and *Villeinage* tasted the fruits of a fuller liberty after their horrible endurance for two or three generations of semi-starvation and terrorised life. The work of the *Lollards* must not be discounted as a factor in stimulating these masses of humble folk to resolve that their lives should in future hold a sweeter experience. They began to move : the roads to the towns and cities began to know them in increasing numbers, despite the Law of Settlement. And when a people begins to move the face of the land changes. Modern industrialism is now born : the rural character of Mediæval England has been tested and found insufficient for England's need.

Above all the *Kingship* and the *Nobility* were tested and found wanting. The scheme of national life and organisation they had created—the *Feudal System*—was revealed as radically

weak, holding within itself such disruptive forces, that it could no longer stand the strain of supporting the political or economic life of the State. Kingship, following the Edwardian period, was indubitably unsuccessful—ever weakened by adversity. Richard II was brilliant but unstable and luckless, Henry IV too dependent on his Parliament and his baronage, Henry V a man of one idea—foreign conquest to avoid political difficulties at home—Henry VI a cypher, Edward IV a lion enmeshed in the net of national discords!

Modern criticism, accepting the judgment that the Constitutional Experiment of the fourteenth and fifteenth centuries was premature and foredoomed, has little difficulty in pointing out the true source of the futile kingship: *it is royal inability to prevent the feudal nobility from recalling their days of ancient pride and glory as magnates of military and political power and to prevent them from reviving that unwanted character in this later period.* The opposition of baronage and kings which had characterised early mediæval history had given way during the middle period to co-operation between them. That this co-operation in a spirit of patriotism changed once more into rivalry and militant opposition was perhaps unavoidable after the power had fallen from Edward III's grasp. But little or no effort was made by the later kings to avoid its possibility, except by Henry V in his expedient of "national" war: and this expedient proved fatal in that it unleashed all the worst vices of a half-tamed nobility until these men reverted to their old feudal type, military chieftains whose main business in life was to lord it over subject or conquered peoples and ravage them at will. Had Henry V spent his undeniable ability in cutting the claws of his nobility at home, the Lancastrian hold on the throne might have been finally secured, Parliament have been saved, and the transition of mediæval England into the sixteenth-century type of "modern" State might have been easy, prosperous and exemplary. To be wise after the event is a necessity. To condemn the last stage of the Hundred Years' War as a criminal futility which wrecked two great nations, England and France, is perhaps now justifiable. That this appreciation of so grave a policy was lacking in Henry V and his successors betrays their limitations as statesmen. A sound successful foreign policy is the

sure basis of a successful kingship. This base was wanting during this period.

And the Nobility ? The test applied to this aristocracy was self-chosen and self-applied. It destroyed them. As brave as could be desired in physical prowess, tenacious of their loyalties to their House, kinship and feudal obligations, cultured to a degree never dreamt of by their ancestors, they were, for the most part, men of extraordinary narrowness of vision and tragically limited practical sense. The rapid degeneracy which overtook them as a class is an arresting feature of their history. The chivalrous hosts of mail-clad warriors, staunch upholders of the Code of Honour, which Edward III and the Black Prince knew and led, were, despite their occasional orgies of massacre, far superior in general character, sense and vision, to the mailed levies, maddened with blood-lust, which slaughtered one another so vindictively on the fields of the Roses. Whether it be true or not that Warwick issued an order before the Battle of Northampton that commoners should be spared and that knights and lords alone should be killed, it is regrettably true that the subsequent battles were more and more savage in their ebullitions of personal and faction hatreds and gave opportunities to the victors to take revenge in every form inspired by deviltry.

This fifteenth-century English feudality lacked the essentials of character. Their mental horizon was limited to self-glory or aggrandisement at the expense of their equals and compatriots : their energies consumed in militant ardour and murderous expeditions : their breasts drained of all the tender emotions which in their full expression humanity give its nobility : and their audacious and violent temper invited and gained a manner of life which gradually, and then swiftly, destroyed their veneer of culture, and which excluded absolutely religious duties from their knowledge. No longer the pride of England, these aristocrats were now its shame. But above all this, their inability to understand that in pursuing the " Roses Vendetta " they were inflicting mortal wounds on England and killing off their own order is the amazing fact. It seems impossible that they could not have realised this obvious truth. Yet their readiness to spring to arms and continue the mortal feud is an incontrovertible evidence that, if they knew, they did not care. The

gambler's spirit was allied to their lust for vengeance and power: and, utterly irresponsible, they rode fiercely to ruin.[1]

The Wars of the Roses tested the mediæval feudality and its militant political Feudal System and found both to be anachronisms. Both were antagonistic to the true spirit of the English, and at this stage of English development they were practically eliminated. Always in secret or open opposition to the national form of kingship, and always secretly opposed to the national form of constitutional government open to the "Common" element, they deliberately revived these forms of hostility when both kingship and government were gravely weakened. This was meanly treacherous: it jeopardised the best interests of the State and threatened to arrest progress on civilised lines. This treachery, venting itself in treasonous action, resulted in the anarchy of the civil wars, and not only checked all progress but destroyed the best forms of English development in the Middle Ages.

The grim fate which overtook this self-centred nobility was therefore richly deserved. No king nor any government could have meted out a sterner punishment. Their immolation on the pyres built by their own shameless deeds was an heroic expiation, but it does not suffice to put them in a state of grace with posterity. The remarkable success of their "Suicide Club" in removing baronial opposition from the pathway of the Tudor kings was an effective gain for England. These barons cannot, however, have this work of supererogation placed to their account, since they would never have willed it, and, had they survived, would have carried their undying hatreds into renewed hostility to the Tudor monarchs and have spent their last malignancies in trying to prevent the necessary resurgence of nationalism.

In destroying the Edwardian and Lancastrian conceptions of kingship and government, the "caste" nobility and the Feudal System of economic and political life, in fatally damaging the weakened Church and in sounding the death-knell of civic

[1] The Court of Chivalry was at its zenith during the fourteenth and fifteenth centuries. "During the social tension among the upper classes that prevailed throughout the Wars of the Roses the demand (on this Court) continued." Barnard: *ibid*, p. 149. Compare with this the grim estimate that "No less than eighty barons of royal blood perished in these wars."

localism, the Wars of the Roses killed Mediævalism in England and opened the way for the gradual building of a new England in which life was to be more prosperous in its economic content and safer in its domestic immunities. The Wars, therefore, were ultimately productive of a "great good"—but the destruction of a form of civilisation, Mediævalism or Feudalism, was a terrible price to pay for even so great a profit.

> "Abate the edge of traitors, gracious Lord,
> That would reduce these bloody days again,
> And make poor England weep in streams of blood!
> Let them not live to taste this land's increase,
> That would with treason wound this fair land's peace!"[1]

Fortunately Henry Tudor's prayer was heard: his kingdom survived its wounds.

F. R. W.

SUGGESTIONS FOR FURTHER STUDY

BENNETT, H. S.: *The Pastons and their England.* (C.U.P.)

FORTESCUE, SIR JOHN: *The Governance of England.* (Clarendon Press.)

HUIZINGA, J.: *The Waning of the Middle Ages.* (Arnold.)

KINGSFORD, C. L.: *Prejudice and Promise in Fifteenth-Century England.* (Clarendon Press.)

MOWAT, R. B.: *The Wars of the Roses*, 1377–1471. (Allen and Unwin.)

RAMSAY, SIR JAMES: *The Genesis of Lancaster.* (Clarendon Press.)

RAMSAY, SIR JAMES: *Lancaster and York.* (Clarendon Press.)

STUBBS, BISHOP W.: *The Constitutional History of England*, Vol. III. (Clarendon Press.)

[1] *King Richard III*, Act V, Sc. v.

ESSAY XV

THE PASSING OF THE MIDDLE AGES

Historical judgments can never be absolute. True historical enquiry demands full knowledge of the deeds and the motives of men, the achievements and the policies of peoples. The deeds of men and the achievements of peoples may be fully known, but their motives and their policies too often defy the imagination and tests of reason. Eminent personalities take most of their secrets to the grave with them. What a treasure the private diary of a Simon de Montfort or an Archbishop Stratford would be! If, therefore, it is impossible to estimate accurately the work and worth of any one well-known historical figure, it is most unlikely that the work and worth of any period of historical life can ever be satisfactorily valued.

The Middle Ages in England is a long and generous period, for it covers more than four hundred years of English life and is full of human interests and endeavours that rightly claim the attention and admiration of later ages. Yet, despite the wealth of modern knowledge resulting from the most patient and skilled research into the written and material records of this mediæval age, all judgments passed on its life and work must be tentative, and all must risk the charge of being not judgments demanding acceptance but generalisations inviting agreement. To summarise the period as an Age of Faith or An Age of Constitutional Progress or an Age of Nascent Nationalism is but a facile method of hiding all the problems involved with a label big enough to attract and convince the uncritical mind that its legend is a complete solution of every difficulty. Such descriptive titles must not be confused with judgments: they are merely terse and cogent summaries or generalisations of observed characteristics of the era.

Every solution of an historical problem is a tentative judgment. Every period of history is full of problems to be solved.

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KING HENRY VII'S CHAPEL, WESTMINSTER ABBEY.

In trying to solve them historians justify themselves and enrich their art.

In the foregoing Essays the chief problems of Mediæval England have been reviewed and their solutions, either speculative or suggested, discussed. There remains in this concluding Essay the interesting task of considering some of the chief generalisations passed on the whole period.

First, the English race during this age was welded and trained into a people conscious of unity for many purposes of life within the realm or State of England. In short, the English became a *national* people. Stated as an historical judgment this is open to challenge and to argument: stated as a characteristic, possibly the dominant characteristic, of the period it is incontrovertible. At Stamford Bridge and at Senlac (1066) Harold was without doubt defending England against external enemies: it is questionable how far his armies or his people were actuated by a sense of *national* as opposed to *personal* danger. At Bosworth Field (1485) Richard III and Richmond contended for the throne of England: it is unquestionable that their respective armies and the whole English people knew and understood the meaning of their struggle. By 1485 nationalism was perhaps the richest expression of the corporate life of the English race. It takes all (not a few) of the healthiest energies of a people to win nationality and hold it in undisputed possession. Organised strength to fight successfully against hostile forces, well-tempered character to justify successes gained, and idealism by which ambition might be safely measured—all are required by a "Nation in the Making." And, to the degree that the English people reveal these qualities from 1066 to 1485, historical interest in their struggle for nationhood is stimulated and their stages of progress understood. Their success in this mighty task is early foreshadowed. In the thirteenth century it is almost assured: and English mediæval history closes when it triumphs finally in the death of the arch-reactionary, Richard III, and the annihilation of his spurious feudality. Nationalism was one of the best legacies of mediæval Englishmen to posterity.

Secondly, the Middle Ages were a time of *relative stability:* the organisation of mediæval society aimed primarily at securing *order*, and, succeeding, was itself rendered *static!* This cus-

tomary " judgment " on Mediævalism is made the more impressive when balanced (as it usually is) with the customary " judgment " passed on the succeeding Age. The Modern Age is stated to be alert ; it strives for freedom ; *it is progressive ;* and its organised form of corporate life is necessarily *dynamic !* Thus stated the Middle and the Modern Ages make an attractive antithesis ! But is the antithesis true ? It is very doubtful if the customary mediæval " judgments " can be applied to English life between 1066 and 1485.

The aim of English Feudalism and its Manorial System and the aim of the English mediæval ecclesiastical and governmental institutions were one and the same—undoubtedly, the firm establishing of *law* and *order*. But none of these powerful institutions was static ; all were progressive. The idea of freedom, personal and political, and later, religious, became known and was earnestly striven for. The myth of mediæval " stability " is one of the jokes of historical science ; and the phrase " relative stability " is meaningless.

Stability of organised forms existed in mediæval England, but a hundred forces in life, subtle and open, delicate and robust, material and spiritual, individual and corporate, were constantly modifying the work, scope and purposes of the organisations themselves. The nation continually advanced to higher objectives in its political, religious and economic interests, and no form of institutional life, were it as stark as feudalised society itself or as weak as a vicar's office, could remain *stabilised* either relatively or permanently. The whole story of Mediæval England is constantly enlivened with authentic records of noble aspirations, stirring deeds, worthy ambitions ; a people is seen hard at work to civilise itself : this involves consciousness of progress and a readiness and an ability to change the old for the new. Law and Order are finally won. Individual freedom is won. The genius of the English as revealed in the solution of national problems or in achievements of abiding worth is always purposive and *progressive.*

Mediævalism, embracing a form of Civilisation and a type of Culture, possessed individuality of character : it can and must be distinguished from all other known forms of civilised life and culture.

Civilisation is an organisation of human economy : Culture is æsthetic reality. Civilisation and Culture are usually found together ; but they need not be in association ; indeed, Civilisation must (and historically does) precede Culture. Civilisation is a necessity : Culture is a luxury. These distinctions are important, and students would do well to ponder them and to know if they can be argued successfully.

Feudalism, as has been shown,[1] was much more than a military and economic organisation or system of government. It was the organised form of a complete civilisation. Some thinkers still believe it to have been the best of the many civilisations man has built. Its economic foundations were infinitely stronger than those of oriental systems or of the classical peoples : within its " customary ways " the commercial fevers and social unrest of the " Age of Discovery and Commercial Expansion " were unknown, as also were the terrorising responsibilities of a civilisation based on " credit " and " enslaved to machines."

The economy of any Civilisation is at least threefold. A system of ordered social life is utterly dependent on a system of agriculture and commerce (the economic system), and both these systems are defended by a system of armed political government. Any civil or alien force that overthrows the defensive (government) system has at its mercy the economic system : if it destroys this, it also destroys the accepted order of social life ; and civilisation is then only a memory.

The vast barbaric movements across Europe in the Dark Ages destroyed the economic foundations of post-classical life. Roman civilisation largely perished. Following the wide resettlement of Europe, Feudalism, as a military force, arose to defend a new system of human economy. Its success fostered the new economy and brought into being a new order of social life. In this way arose the distinctive civilisation known as Mediæval Feudalism. The point stressed here is that this civilisation was *new*. Man alone among the animals possesses the power of intelligent creation. And the men of the Middle Ages proved conclusively their virile manhood by constructing a *new* organisation for human gregarious needs out of the ruin

[1] See Essay VI.

and chaos resulting from the barbaric devastations in Germania and Romanised Europe.

In the dim days of the Anglo-Saxon raids this civilising process is seen beginning in England : six hundred years later, in Edwardian England, its gigantic task is almost completed. Surely based on the economics of the Manorial and the Borough Systems, it was not only mighty to protect and to supply the material needs of England but also worthy as a stupendous achievement of ordered society and political government to rank among the famous civilisations of man.

Culture adorns the civilised form. His material needs satisfied, man's other needs demand expression. The mind and the soul assert their indisputable claim to justify and to beautify life. So the Arts arise. Intellectual and æsthetic aspirations are refined by experience and genius to their noblest form. The wealthier the economy of any Civilisation, the richer generally is its Culture.[1]

Mediæval civilisation can justly claim a high pride in the culture it inspired and supported. That it was dominantly religious in character testifies to the character of the period and is in itself no reason to depreciate its worth. An artist is always first a child of his own age, although he may at last become an immortal. Mediæval artists were mostly inspired to work for the Glory of God, and, in embodying their visions in stone, in glass, in wood, in silver, in writing or in needlework, they made their niggard, laborious age appear in the eyes of posterity resplendent in liberality, material and spiritual.[2] Education was understood, and for its own sake was increasingly practised and accommodated. Universities may have been founded largely by accident, but the age which gave birth to these famous centres of scholarship and cultural influences will always be regarded as an intellectual age and as an enlightened benefactor to mankind. In the realm of pure reason this era also

[1] This is one of the most facile " judgments " of historical writing and the history of Art. The student should note, however, that it is not as true as it seems. Some of the greatest art known was created in times of dearth, distress and a shaken civilisation. For example, Milton's period does not satisfy the judgment. Dante's period is possibly a better illustration, while the frescoes at Ravenna certainly cannot be explained by a fat and peaceful economy, conscious of the need of adorning itself with symbols of spiritual pride.

[2] See Essay VI.

had remarkable triumphs. The system of Scholastic Philosophy is unparalleled in Western thought for its depth and its subtlety: while in St. Thomas Aquinas an intellectual giant laboured to explain the ways of God to man.

The point to be stressed here is that just as man had to re-create Civilisation, so also he had to recapture the lost Arts, Sciences and Cultural satisfactions of his full life. In the mediæval world he succeeded nobly. And how far he was indebted to Holy Mother Church, who can say ?

England, as can be expected, profited immensely by this revival of intellectual and artistic life. The memorials of this period clearly manifest a grand passion and a rare genius for the things of the spirit. The mediævalist can spend his life in collecting and appreciating the rich legacy of Culture surviving from this period.

English mediævalism was therefore a combination of a Civilisation and a Culture united into a system of full and satisfying life. In its civilisation it differed profoundly from the form of the civilisation in Europe or Christendom : in its arts and crafts, its intellectual and spiritual life, its cultural influences and triumphs, it is, however, largely dependent on the Christian culture of Christendom. It would be an engaging and a valuable task to assess how much the Culture of mediæval England owes to the Culture of Christendom.[1]

The above invites a brief consideration of the Age as a *Religious Age*. It is an agreed opinion that Christianity was an immense influence in the life of the period, and that Christendom was then as near to being a realised dream as has ever been possible. That the Catholic Church was responsible more than any other single institution or organisation for the rebuilding of European civilisation is also indubitable. That Christian mysticism and idealism and religious fervour again fired the torch of learning and urged thinkers, legists and artists to recapture the lost arts and sciences is apparently incontestable.

[1] Cf. Hilaire Belloc's theories in his *History of England*. Volume II bears the significant title *Catholic England*. He claims that " the main institutions which took root in England during the Middle Ages were all continental, and especially of Gallic origin. Fantastic theory may attempt to connect them with some remote imaginary barbaric past in the forests of Germany ; but there is no evidence." *Introd.*, p. ix.

The Age sees the Christian Church controlling man's destiny. Organised to secure man's obedience throughout Christendom in both the political and spiritual spheres, she does for long periods enjoy vast, real, and spectacular triumphs. Her triumphs are coincident with the best development of Mediævalism: her failures are preludes to the Passing of the Era. The Mediæval Ideal is twofold: Christian unity in religious faith and practice; political unity in secular control: both unities forming an irresistible alliance of sovereignty invested in the Pope, the Vicegerent of God. So soon as this ideal is threatened and its impracticability exposed, so surely does Mediævalism begin to decline in the quality of its civilisation and its culture.

The part played by the Catholic Church in the creative and organisative work of civilising peoples is nowhere more clearly recorded than in England. In the rebuilding of the English economic and institutional life at any stage during the Dark or the Middle Ages, the Church was indispensable, protective, and preponderant. The efforts of the Church to make England an integral part of Christendom were effective; her efforts to civilise, educate and ennoble the English were very successful; and her ideal of supreme sovereignty was for a brief spell in the thirteenth century realised in England.

The student may well despair of ever estimating aright the good and the evil resulting from the dominance of ecclesiastics in the mediæval world. To say the living Church was the sum and substance of this actual period is perhaps too extravagant a claim. Withdraw the living Church from this actual period—how small and mean would the sum and substance of secular life appear! In England alone this is clear. If the view is extended to Christendom what a tremendous judgment is offered! The dominance of Christian organised life awoke secular jealousies: colossal hostilities and incalculable harm resulted. Some think that Mediævalism—a complete civilisation—was destroyed in consequence. In the Essays on *Church and State* [1] some of the chief problems arising from these hostilities as evinced in England have been discussed. Neither the problems nor their solutions can, however, modify the record of history that Mediæval England was largely the

[1] See Essays IV and XII.

creation of the Church, that the English wealth of cultural interests and associations was nearly all the gift of the Church, and that the general character of the whole period was demonstrably and laudably "religious" in so far as the mental attitude and the social conduct of the English people were conditioned always to an appreciable degree by the precepts of the Christian religion.

The mediævalist may assert without fear of contradiction that man's debt to Holy Mother Church can neither be assessed nor paid. She solved the riddle of man's destiny and the end she proposed was sufficient for his best capabilities and full self-development. She civilised him. Because the Church alone truly answered the question "What is man?" she alone could indicate the means by which his perfect development could be achieved. The Age knew this. The Age therefore soaked itself in Christian religion, morality, philosophy and art. This is the true reason why the Middle Ages were *religious* and so strongly characterised by *Christian* beliefs, ceremonies and idealism.

To deduce evidences that a new era in English history begins with the Tudor régime is perhaps the easiest task in historical studies. The Renaissance, the Reformation, the National Movement, The Exploration Movement, etc., offer more than sufficient witnesses to justify the view that the Middle Ages (as an era) have passed. It is necessary, however, to distinguish between the Middle Ages in English history and the Middle Ages in European history, and not to allow *movements* which are generally European in interest to explain developments in England's national life which may be more English than European.

For example, the Renaissance helped to kill the Middle Ages in Europe; but Chaucer sang of a mediæval life at its zenith, and Caxton set up a printing press when English mediæval life was already stricken to death. Again, the Conciliar Movement was powerfully destructive of papal prestige and Church organisation in Europe, but the contemporary Church in England was less influenced by the woes of the Catholic hierarchy and healthier in its actual organised life than any other part of the contemporary Church. Or again, the new political

concept afterwards known as the *Balance of Power* was largely responsible for the revaluation of foreign policies which is so marked a feature of the New Age ; but this conception is not to be found in fourteenth and fifteenth century English politics and exercised no influence on waning English Mediævalism.

While, therefore, it is not to be doubted that England's life and interests were to some extent, that cannot be calculated, influenced by the wider movements of disruption and change in European affairs during the fifteenth century, and to this degree were aided or compelled to change from mediæval conceptions to *new* conceptions of life and its mysteries, it is just as indubitable that to a much larger extent English mediævalism passed away owing to destructive and constructive forces resident within itself, and that the new state of society and government seen in sixteenth century England was the legacy of mediæval England rather than mediæval Europe. In short, the passing of the Middle Ages in England was essentially an English affair, for the English were already a nation and in their development were in many ways unique.

The fifteenth century saw the great break-up of the English mediæval system of life. The *Manorial System*, so long the basis of England's strength, was now too weak to resist the dissolving forces of (a) the humble man's urge for personal freedom ; (b) the rich man's need to repair his broken fortunes by new economic measures (*e.g.*, growing wool instead of wheat). The *Borough and Town System* with its romantic and religious *Gild Life* was largely dependent on its selfish and exclusive character : this was now challenged by (a) the central government, (b) the warring feudal factions, (c) the vagrant hordes. The substance of the land had been wasted in prolonged foreign and civil wars. The old economic system could not replenish the vast losses quickly enough ; so in this century it was discredited.

The *Feudal nobility*, the pride of mediæval England and so long the trustworthy guardian of its civilisation, now fought for merely personal gain : in the Wars of the Roses this nobility was extirpated : and the civilisation it had guarded so well almost collapsed.

The *Monarchy* went down to ruin. The *Constitution*, essentially an English product, failed to resist the challenge of resurgent

feudality, and, reduced to pathetic weakness, was at the mercy of such despots as Edward IV and the Tudors.

The *Church*, though remaining by far the strongest of all the institutions of government in the land and able to emerge whole from the welter of the times, was yet too weak to save English mediævalism : not only was the discredit of the Catholic Church abroad damaging to the Church in England but governmental oppression, baronial rapacity, the sacrilege incidental to civil warfare and the increase of heresy and apostasy caused her enormous losses and made it impossible for her to salve from the general wreck of English institutions anything more than her own.

English Mediævalism died of diseases peculiarly English.

The problem of time limitations of historical periods is full of interest. The end of the Middle Ages is no exception. When did this era end ? In 1485 the date is customarily fixed for English History ; and this year can easily be defended as the most fitting date.

The problem is best exposed by testing the date by any important movement in Mediæval life. Does the Constitutional Movement end in 1485 ? No ; for the packed Parliaments of the Regency of Henry VI see its power broken. Does the mediæval life of the Church end in 1485 ? No ; for it lives in renewed strength under Morton and Warham and is defiant in its mediævalism when Henry VIII decrees its "Reform" and the death of its Monastic System.

The truth is that an Age passes imperceptibly. Its contributions to life slowly cease : its movements grow less and less in power until they disappear altogether. But the tide of life rolls on as strongly as ever —perhaps more powerfully : other forces have already risen to make their contributions : other movements have already begun to exercise an unseen but growing influence. So one age ends and another begins. There are no abrupt ends or frayed endings : the overlapping and interweaving of the life forces are magically contrived to preserve the continuity of history. Any time division is arbitrary.

Civilisations, born of material needs, corrupt and perish. Cultures, born of spiritual needs, survive and justify mankind. *Mediævalism* produced a strong civilisation which is now but a memory: it also produced a religious and an æsthetic conception of life which is still vital and is still regarded as one of the noblest man has ever known or can attain to. In this lies the true *legacy* of the Middle Ages for whoever desires to find and to possess it.

F. R. W.

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